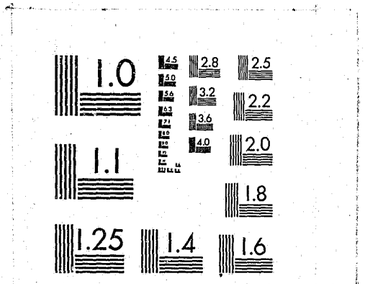

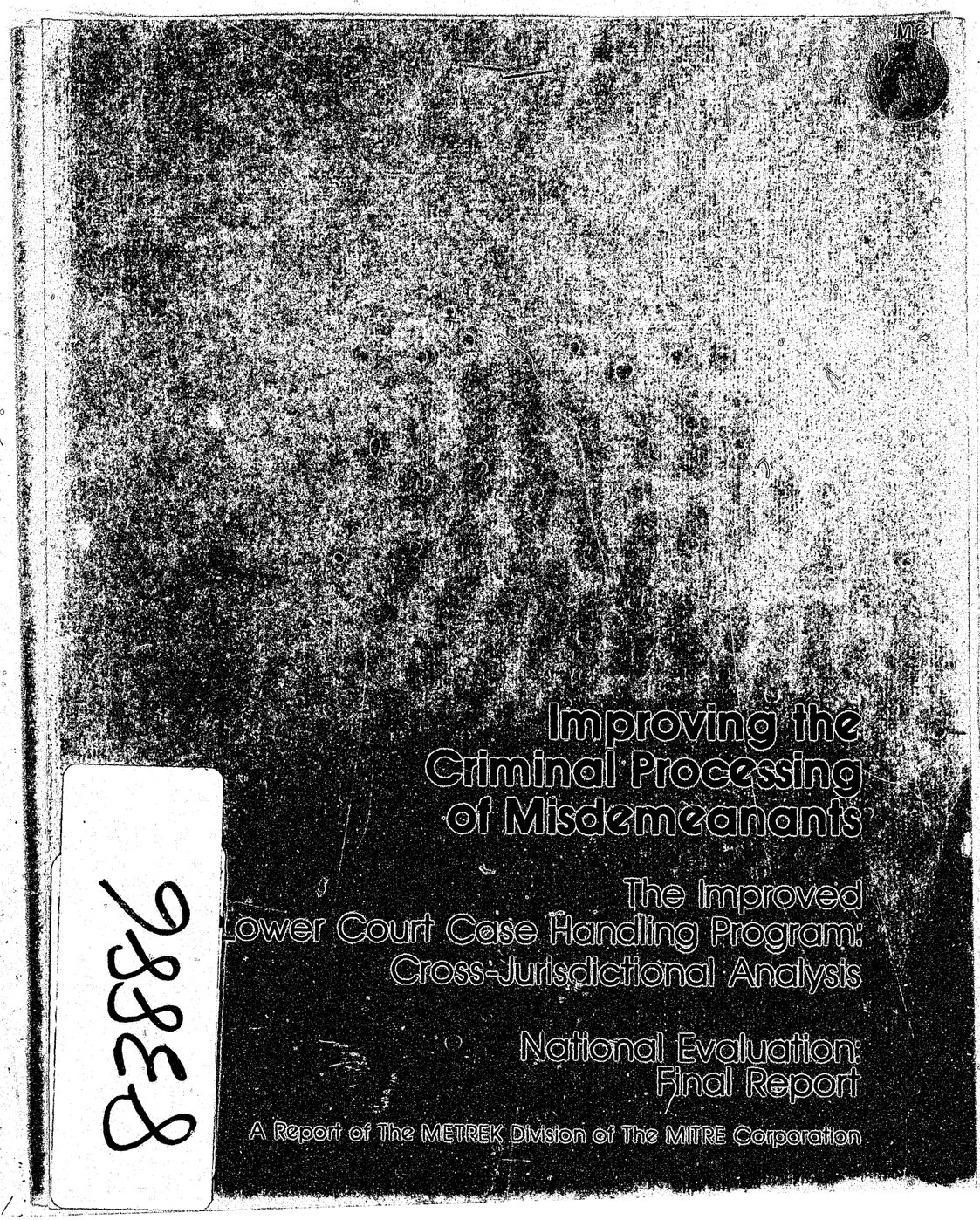

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Improving the Criminal Processing of Misdemeanants

The Improved Lower Court Case Handling Program: Cross-Jurisdictional Analysis

National Evaluation:
Final Report

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ABSTRACT

This document presents a cross-jurisdictional analysis and summary of results from the national evaluation of the Improved Lower Court Case Handling Program. The program was an LEAA effort to provide resources to four sites for the operation of eight components designed to improve the case processing of misdemeanants. The development, operations, use, and effects of each component are assessed across these sites, and a summary and analysis of program results are provided.

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EXECUTIVE SUMMARY

In 1974, the National Institute of Law Enforcement and Criminal Justice designated "The Improved Handling of Misdemeanant Offenders" as one of its Demonstration/Replication Topics for Fiscal Year 1975. The program model developed by the Office of Technology Transfer (OTT), designated the Improved Lower Court Case Handling (ILCCH) program, consisted of eight components.

Four of the components--police citation, court summons, pretrial release, and select offender probation--represented less drastic and less costly alternatives to traditional case processing and, thus, were to result in resource savings for various criminal justice agencies. Three components--prosecutor case screening, PROMIS, and short form presentence investigation reports--represented mechanisms for collecting information in service of more informed decision-making and better management and prioritization of case flow. Although the techniques represented in these seven components had been previously tested in other jurisdictions, the eighth component, the Mass Case Coordinator (MCC) position, was new. This individual was to be responsible, in part, for insuring that a management orientation and interagency cooperation--both central to transforming the components into a program--were achieved. Thus the ILCCH program embraced a set of specific techniques for improving case handling, it fostered a general management orientation via the MCC position, and it recognized that the development of lasting solutions to misdemeanant handling problems would involve coordinated efforts amongst agencies and functions.

The processes of site selection and grant development were conducted rather rapidly during March-May, 1975. Seven sites were nominated for participation in the program and four were finally selected--Wilmington (New Castle County), Delaware; Columbia (Richland County), South Carolina; Kalamazoo (Kalamazoo County), Michigan; and Las Vegas (Clark County), Nevada. By early August, each site had been awarded a grant of $250,000. It was apparent as the program began in each site and MCC's were hired, that the planning and analysis tasks necessary for efficient and effective implementation of the components remained to be completed.

In order to provide a framework for summarizing the experience of the ILCCH program across the four sites, the national evaluation posed four questions, selected because they circumscribe the major goals and issues associated with the ILCCH program.

Can the Criminal Justice System, Via the ILCCH Program, Offer Processing Alternatives Which Free System Resources?

Four of the ILCCH components--police citation, summons, pretrial release, and selected offender probation--were processing alternatives

designed as strategies for dealing with misdemeanant offenders at various stages of the criminal justice process. Citation and summons were processing alternatives to the somewhat costly, traditional arrest procedures; pretrial release was an alternative to traditional detention and bail practices; and selected offender probation (SOP) would provide judges with sentencing option in lieu of incarceration or unsupervised probation. By offering alternative, less drastic strategies for handling misdemeanant offenders, all four components could supposedly result in a variety of resource savings for the criminal justice system.

For citation, summons, pretrial release and SOP, there were ten components implemented in the four sites. Operationally, only two of the ten components--pretrial release and court counseling (CC) in Las Vegas--received substantial use. Of all the ILCCH components, the pretrial release program in Las Vegas was the only one to result in substantial resource savings.

Of the ten components implemented as processing alternatives, five were institutionalized. Three of these--citations and summons in Wilmington and citations in Kalamazoo--are procedural mechanisms that will continue to be employed by the police and courts although the extent of their use cannot be predicted. The other two institutionalized components--SOP in Kalamazoo and CC in Las Vegas--are sentencing options.

The four processing alternatives (citation, summons, pretrial release, and SOP) did not find the simple application as less costly substitutes for existing procedures as envisioned at the outset of the ILCCH program. This is apparent from the implementation and operational difficulties which beset some of the components, from the limited use and savings realized by most of the components, and from the fact that only five components were institutionalized. If one criterion for program success was lasting improvements in lower-court case handling, then these components, as a whole, contributed little towards success.

Are the System Benefits Accrued Through the Use of Processing Alternatives Linked to Certain System and Social Costs?

A corollary of the first question is the issue of potential costs that may accrue through the use of the four processing alternatives described above. In other words, did the implementation and operation of citations, summons, pretrial release, and SOP result in any negative outcomes or costs for the criminal justice system? Alternatively, did the issue of potential costs affect component implementation and operations?

One area of concern in the use of citation, summons, and pretrial release is the possibility of a high number of failure-to-appears (that is, individuals released on their promise to appear in court and who subsequently fail to appear). This concern, however, did not manifest itself in any of the four ILCCH sites with respect to citations and summons. Essentially, this is a result of the restricted eligibility for issuance of citations and summons and the exercise of police discretion; citations and summons were mostly used for the most trivial misdemeanors, for first-time offenders, and for local residents. A more significant "cost" issue which did arise in the implementation of citations and summons in Wilmington and Kalamazoo was related to questions about the loss of the opportunity to collect local criminal history data on offenders issued citations or summons.

Of the three pretrial release components implemented under the ILCCH program, the Las Vegas program suffered most--in fact, was terminated--as a result of questions related to the costs to the system and the public of releasing defendants on their own recognizance. In Columbia, both the SOP and pretrial components suffered from the general unpopularity of the component concepts throughout the criminal justice system. Fears about implementing a formal program of pretrial release or of selected offender probation were reflected in the informal nature of the programs. Some local criminal justice personnel remarked that the prevailing philosophies in Columbia were simply not accessible to programs like pretrial release and SOP; neither component was institutionalized.

In summary, negative outcomes or costs of the type specified at the beginning of the program (failure-to-appears, rearrests, etc.) were not, with the exception of the Las Vegas pretrial program, major impediments to the implementation or operation of these components. Data on FTA rates and rearrest rates indicated that these outcomes were not that different from those of similar programs. More important were the concerns of agencies regarding the loss of criminal history data and regarding the procedural mechanisms needed for component implementation and operation.

Can the Criminal Justice System, Via the ILCCH Program, Utilize Screening and Information-Gathering Mechanisms Which Promote Better Resource Allocation and Positive System Effects?

Three of the ILCCH components--case screening, PROMIS, and short form PSI reports--were designed to promote better resource allocation, better decision-making, and greater consistency in various decisions through the collection and use of case information. Unlike the processing alternatives, these components involved the collection of information and the development of policy so that various inefficiencies and inconsistencies could be reduced.

The assessment of the extent to which these activities reached their goals is made difficult by the fact that two of them (PROMIS and case screening) were not simply alternatives to existing procedures, but rather mechanisms that inevitably would have to be integrated into the prosecutor's office as whole. Additionally, in all sites, the development and implementation of PROMIS and related changes in the prosecutors' offices has taken almost the entire grant period. Although it is anticipated that these new information systems and procedures will significantly improve the efficiency of prosecutorial operations, no evaluation was possible in most cases.

The two most significant information-gathering components, in terms of use and impact during the ILCCH program, were the case screening component in Columbia and the presentence report in Las Vegas, which was part of the court counseling (CC) program. Case screening was introduced into the Solicitor's Office in Columbia and, for the first time, cases were screened prior to indictment. In addition to improving the quality of case dispositions, screening has significantly reduced the number of pending cases. The availability of presentence reports as part of the CC program has meant that, for the first time, lower court judges have reliable information for use in making decisions regarding assignment to the CC program and regarding final sentencing.

Almost all of the procedural changes and new information systems introduced as part of the ILCCH program will be institutionalized. Only the introduction of screening into the lower courts of New Castle County failed to be institutionalized. Thus, these components, while producing few of the immediate benefits anticipated at the beginning of the program and while not always misdemeanor-specific in nature, will probably produce longer-term improvements in case handling (specifically, prosecutorial operations) than the processing alternatives discussed above. However, the integrated operation of screening and PROMIS, designed to be the "heart" of the management-oriented approach of the ILCCH program, was not demonstrated as part of the ILCCH program in any of the sites.

Can the Criminal Justice System, Via the ILCCH Program, Implement a Formal Coordinating Function Which Will Insure System Efficiency Through the Development of Interagency Communication and Cooperation?

This question, more than the other three, addresses the central issue of the ILCCH program--the extent to which improved management and interagency coordination can produce better lower-court case handling. The central question, then, is whether the series of discrete practices and procedures represented by the components worked

together to produce a program. In this sense, the critical focus is the performance of the Mass Case Coordinators (MCC's) and the nature of program structure that evolved with the MCC role.

There is no doubt that Kalamazoo was the only site that pursued and achieved the kind of MCC role and coordinating mechanisms deemed essential to the effective implementation of a lower courts' program. It was obvious early in the program that the other sites either had no conception of how to achieve an effective MCC role and/or had no intention of creating one. Instead an individual was hired, given the MCC position, and assigned varied and often ambiguous duties and powers. The difference between Kalamazoo and the other sites was clearly reflected by the failure of the other sites to maintain an operating advisory or coordinating group to support the MCC, even though all sites originally developed such a group.

In Kalamazoo, the key to the creation of a viable MCC role was the establishment of an interested and committed Coordinating Council consisting of members of all criminal justice agencies likely to be affected by the proposed components. Component design and implementation was the function of working subcommittees of Council members, thus promoting interagency communication and cooperation. The Council served as a policy and review board, examining and providing direction for the work of the subcommittees and the MCC. The Council's regular meetings provided a continuous forum for discussions of component plans, progress made in component implementation, and of a range of other lower court issues not strictly within the province of the ILCCH program.

In sum, in three of the sites, a viable MCC role did not evolve, nor did a program, as such, transpire. Only in Kalamazoo did misdemeanant case handling receive an inter-agency and inter-jurisdictional examination and did coordination occur to any degree. Even in Kalamazoo, however, it can be misleading to speak of an ILCCH program, because even there, the relationships between the components remained tenuous at best. In no sites was an MCC position institutionalized. In Kalamazoo, however, attempts are underway to institutionalize an interagency council, a mechanism that proved more significant than any of the MCC positions.

It is obvious that the ILCCH program resulted in a diversity of individual site and component processes and results. As such, the findings below are necessarily generalizations from the variability of the program experience.

- The processes of component/program planning and development were conducted rapidly and often without sufficient analysis of local need, existing procedures, or agency interest.

- In many cases component implementation proved to be a difficult and time-consuming process, because of a lack of planning, a lack of agency interest, or because of the complexity of the component (as with PROMIS) and the system itself.

- The four processing alternatives--citation, summons, pretrial release, and selected offender probation--were often implemented in a limited form, and (with the exception of pretrial release and court counseling in Las Vegas) achieved limited use and savings; only five of these components were institutionalized.

- The three information-processing activities--case screening, PROMIS, and short form presentence investigation reports--were implemented in various forms but, in no sites, did they operate together to produce the kind of management of case flow envisioned (case screening in Columbia was a partial exception); PROMIS implementation took almost the whole grant period in all sites and contributed little to the program demonstration.

- The operation of a viable Mass Case Coordinator role and a coordinating council only occurred in Kalamazoo, where the council proved to be an effective mechanism promoting interagency cooperation and communication. The other sites either had no conception of how to implement a coordinating function or no interest.

- Overall, the program mostly resulted in a few localized improvements, but failed to bring about increased awareness of misdemeanant processing, more interagency coordination in pursuit of greater efficiency, or improved management. Thus, with the exception of Kalamazoo, there was no demonstration of the program's central goal.

Despite this overall failure to demonstrate the program's central goal, there were components in all sites that resulted in significant improvements in case handling. The most notable of these were:

- the Las Vegas pretrial release component--which facilitated the release on recognizance of a large number of detainees; brought greater equity to pretrial release decisions; and resulted in savings in detention costs.

- the Las Vegas CC component--which gave lower court judges a deferred sentencing option; allowed defendants to receive counseling or service referral before sentencing; and provided judges with PSI information to use in sentencing; and
- the Columbia case screening component--which brought charging responsibility to the Solicitor's Office; reduced the backlog of cases and improved the quality of dispositions by weeding out meritless cases.

In addition to the immediate benefits of these components, it should be recognized that the program has resulted in changes which, while not producing any dramatic short-term improvements, should produce better case handling in the future, in both specific and general ways. In Wilmington, Kalamazoo, and Las Vegas, the introduction of new forms and/or procedures for the issuance of citations and/or summons should contribute to greater use of these arrest alternatives in the future. Agencies have become familiar with the use of these alternatives, have developed policies for their use, have begun to recognize the potential benefits from this use, and have become aware of factors limiting both use and benefits.

Perhaps more significantly, all four sites have made changes (dramatic, in some cases) in the information systems employed in local prosecutors' offices. Although it is difficult to anticipate the broad changes that will result from the introduction of PROMIS or PROMIS-related methods, capabilities for data gathering and aggregation and case management are being expanded in all four sites. There was no component in the ILCCH program that required as many resources and as much time or commitment as PROMIS.

The results of the program were shaped by a range of factors that adversely influenced the processes of component and program development, implementation, and operation. These factors included:

- the lack of a real or specific need for a particular component in the criminal justice system or in an agency;
- the limited effective capability to implement, manage and "sell" a program;
- the lack of interest and commitment of specific individuals or agencies sufficient to make changes in existing procedures;
- a variety of legal and procedural restrictions related either to the component or to an agency and its operations; and

- attitudes and perceptions of ILCCH program and agency personnel related to the undesirability or costs inherent in certain components.

If one examines the variables listed above, however, it is apparent that their saliency in the program was largely determined by two processes; these were the processes of program definition and of site selection conducted at the national level.

Although ILCCH was represented as a "program," in reality it was essentially a collection of previously tested elements, designated as a "program" by the simple fact of the inclusion of a coordination position, the Mass Case Coordinator (MCC). The selection of the seven components which had been previously employed in other jurisdictions had no explicit rationale except that they spanned criminal processing from arrest to sentencing and, in one way or another, could address the problems of "assemply-line justice." A multitude of other procedural alternatives could have been specified to fit the same criteria.

The assurance that the ILCCH program would be a "program," rather than a set of discrete practices, was embodied in the MCC position. This individual, who was to work for the entire system and not just an agency, would integrate program efforts and develop a cooperative venture for the criminal justice agencies involved. Yet, with no real clarification of his role, without specified tasks, and with no base of power, the MCC role proved to be a bogus designation. The goals of inter-agency cooperation and communication in pursuit of common purposes were not new to the criminal justice community; the many and varied impediments and disincentives to these goals would hardly vanish by designating an individual as the solution.

The Kalamazoo experience provides a clear indication that the key to implementing a viable MCC role--one that would have broad agency support, and clearly defined powers and responsibilities--lay in the operation of a committed, inter-agency council. It seems evident, in retrospect, that only such a group could provide broad and representative support for a coordinating function. Additionally, while the MCC was concerned with the specifics of component implementation, the council could assume the broader responsibilities of examining misdemeanant processing in its totality and acting outside of the specific program parameters. Thus, an inter-agency coordinating council should have been mandated as the central element of the ILLCH program with the MCC serving as the "action arm" of the council. In this way, the coordinating function would have been formally embodied in and conducted by all agencies, rather than becoming the somewhat unrealistic mission of a single individual.

In addition to the lack of a clear program concept and viable mechanisms for coordination, the ILCCH program suffered from the limited and non-flexible nature of the components represented. Although all of the seven components might offer something to improve case processing, the program experience made it clear that many of them were not relevant or useful to specific agencies in specific jurisdictions and, thus, should not have been attempted. All of the jurisdictions wasted some resources trying to implement certain components. Additionally, because the seven components were the program, the MCC often adopted the narrower framework of component-by-component implementation rather than examining processing needs and procedures in general.

There was no reason why a wider range of procedural and information-gathering mechanisms and strategies could not have been offered as part of the program, with the sites choosing amongst them to develop a "tailor-made" program. As mentioned earlier, courtroom operations--obviously, a critical juncture in case processing--were not targeted by the program. Thus, problems like jury utilization, witness management, docketing, and so on were not addressed despite their obvious relevance to the issue of "assembly-line justice." The whole question of trial delay and strategies designed to address delay were never mentioned.

Instead of encouraging the sites to examine the complexities and and problems of their own lower courts and procedures for handling misdemeanants, the seven components tended to induce the same approach to the program that was inherent in the program concept. By conducting a detailed analysis of procedures and problems in lower-court case handling, by selecting a "tailor-made" set of needed components, and by specifying the manner in which existing procedures would be augmented or integrated with new techniques to address problems, the sites might well have moved further toward integrated solutions to misdemeanor case handling problems. Finally, the inter-agency councils could have been the vehicles for all of these activities, giving credence to the importance of misdemeanors, misdemeanants, and the lower courts in the criminal justice system.

The second process to affect program outcomes in a major way was that of site selection. The time frame for the program dictated that both site selection and grant application take place in an extremely short period of time. The haste with which these processes were conducted, and the necessity of having at least four sites participate, meant first, that some sites would be selected in the absence of evidence of interest or capability and, second, that all of the sites would begin the program with almost no analysis of misdemeanor case processing problems or explicit plans for component implementation.

The most obvious errors in site selection were the decisions to include Wilmington and Columbia in the program. There was never any evidence of interest or commitment on the part of criminal justice agencies in New Castle County and, in many cases, there was little understanding of the components and their purposes. The program outcomes--limited component implementation, use, and institutionalization--were not unexpected given the low interest in the ILCCH program in New Castle County. Columbia also evidenced limited interest in most of the components; in fact, two of the components - citations and summons - could not be implemented under state law. More important, there was little evidence of a strong capability to implement a program requiring broad agency support and cooperation. The fact that most criminal justice agencies (including the courts) were never involved in the Columbia ILCCH program or aware of it, reflected the administration and management of the program by the Solicitor's Office. What did survive in Columbia were the two components related to prosecutional operations, PROMIS and case screening; otherwise the program never got out of the Solicitor's Office.

Las Vegas and Kalamazoo suffered more from the limited nature of the components offered than from any lack of commitment or capability. With little time for analysis or planning, both sites went ahead with implementation of all components, only to find, in some cases, limited need for a component. Las Vegas was the only site with lower courts characterized by "massive caseloads" and "assembly-line justice," and the ILCCH program simply could not offer the additional judicial resources or institute the type of organizational and/or legislative changes needed to remedy this problem.

In sum, the ILCCH program began with a limited and rather inflexible program concept consisting of a set of procedures and processes for improving case handling and a coordinating position. Given a program of this sort, successful demonstration of even the majority of the components, much less the coordinating function, demanded an extremely comprehensive and analytical site selection process. Instead site selection and grant preparation were conducted rapidly and without careful analysis so that the program/component implementation often took place in a confused environment of agency disinterest and misunderstandings, complicated by the inter-agency and inter-jurisdictional nature of the program. The result was a pattern of limited implementation, use, savings, and institutionalization. All sites had a few components which were relatively successful in terms of introducing new techniques or procedures into case handling which either realized, or promised to realize significant use and resource savings. With the exception of

Kalamazoo, however, none of the sites demonstrated even minimally the major goal of the program--improved case handling through a management-oriented approach which capitalizes on the interdependencies of the system and fosters greater inter-agency cooperation and communication.

1.0 INTRODUCTION

1.1 The Lower Courts

The lack of significance or attention typically accorded the lower courts--variously known as magistrate, justice of the peace, municipal, district, police, or county courts--reflects both the fact of their limited jurisdiction and the comparatively petty nature of the offenses they encompass. However, even a cursory examination of the number of individuals who come into contact with the lower courts and are affected by them, and of the volume of cases they handle, reveals these courts as a major social institution.

It is estimated that 90 percent of all cases are handled in the lower courts; millions of individuals pass through these courts as defendants, complainants, witnesses, and observers. For most of these people, who will never become familiar with other courts, the lower courts are the justice system, representing the power of the law to control behavior and to bring about order. As such, these courts exert a socializing (or alienating) influence in the same way as other social institutions--the family, the church, or the schools.

The legal decisions of these courts can affect the lives of individuals in myriad ways. The courts typically make bail decisions and determine probable cause; decide whether complaints or arrest warrants are to be issued; determine guilt or innocence; and make use of a wide range of dispositional alternatives including dismissal, jail, probation, or social services. The impact of these decisions on an individual's economic or financial well-being, his personal and social status, his freedom, his relationship to society--in sum, his life--are obvious.

Finally, the significance of the lower courts in the prevention and deterrence of crime can be great. Although the offenses dealt

with by these courts are relatively minor, it is a fact that most serious, criminal offenders begin their careers with misdemeanors and experience their first contact with the criminal justice system in the lower courts. The use of diversion or rehabilitative alternatives can help prevent minor offenders from further criminal development, just as the use of jail sentences and fines can (in some cases) deter crime.

As early as 1931 (the Wickersham Commission),(1) the problems and nature of the operations of the lower courts had been well documented. In 1967, the President's Commission on Law Enforcement and Administration of Criminal Justice again described the same problems noted in the studies of the 1920's and 1930's:

> The Commission has been shocked by what it has seen in some lower courts. It has seen cramped and noisy courtrooms, undignified and perfunctory procedures, and badly trained personnel. It has seen dedicated people who are frustrated by huge caseloads, by the lack of opportunity to examine cases carefully, and by the impossibility of devising constructive solutions to the problems of offenders. It has seen assembly-line justice.(2)

By now, characterizations of lower court operations--noting rote procedures, pervasive guilty pleas, lack of due process, disrespect for defendants and shabby treatment of all participants, inattention to individuals, discrimination, and even corruption--seem banal.

While the descriptions of abuses and problems characterizing misdemeanor justice have often been long and complex, the accounts of the genesis of these problems have usually been brief, simple, and consistent--the lower courts are overworked. The President's Commission noted, "A central problem of many lower courts is the gross disparity between the number of cases and the personnel and facilities available to deal with them."(3) Given the volume of

cases and limited resources, it is argued that it is inevitable that the rapid disposal of cases should become the modus operandi of these courts and that individuals and cases should be trivialized.

Thus, the orthodox account of lower court problems has focused almost entirely on inadequate resources and staffing in the face of large and growing caseloads. Occasionally, the decentralized and/or limited administration of these courts, their political susceptibility, or their low prestige are also proffered as contributing factors. This conventional wisdom has argued that, "If the courts were unified, if judges were selected strictly on merit, if officials were better trained, if salaries were raised, and if petty offenses such as drunkeness were removed from the criminal courts, then the lower courts would become bastions of legality and monuments to a just society."(4)

The increasing saliency of lower court problems and the conventional explanations for these problems together provided the essential context for the development by the LEAA of the Improved Lower Court Case Handling (ILCCH) program.

1.2 The Program Concept

In 1974, the National Institute of Law Enforcement and Criminal Justice (NILECJ) designated "The Improved Handling of Misdemeanant Offenders" as one of its Demonstration/Replication Topics for Fiscal Year 1975. A program would be developed by the Office of Technology Transfer (OTT) that would integrate "a number of elements that have been successfully employed for the purpose of improving the classification, processing, referral, adjudication, and treatment of misdemeanant offenders."(5)

The composite program model developed by the OTT, designated the Improved Lower Court Case Handling (ILCCH) program, consisted of eight components. These eight components or techniques--almost all of them derived from a Prescriptive Package[6] describing projects which targeted misdemeanor offenders--consisted of the following:

a. Police Citation: The citation procedure substitutes the issuance of notices for court appearance in lieu of formal arrest and jailing for certain categories of minor crimes. Its primary purpose is to save police time and manpower by avoiding lengthy arrest procedures.

b. Court Summons: This procedure is similar to the Citation System in that it allows an offender to appear in court at a specified time in lieu of arrest. The summons is issued by the court rather than by the police and offers an alternative to the conventional warrant procedure.

c. PROMIS (Prosecutor's Management Information System): PROMIS is a management information tool, developed initially as a computer-based system, that enables collection of information on each case as it moves through the prosecutor's office and the court. From the data collected, cases can be identified for special attention, performance and case flow can be monitored, and prosecutory management generally improved.

d. Case Screening: The early, systematic screening of criminal cases by the prosecutor's office for factors such as legal sufficiency, appropriateness of charges, sufficiency of evidence, and witness cooperation can facilitate reduction in caseloads, identification of significant cases, disposition of cases, etc.

e. Pretrial Release: This practice enables defendants to be released on personal recognizance, in lieu of bail or detention, provided an accpetable rating is received regarding the likelihood of flight. The use of this procedure reduces costs of jailing defendants and allows them to continue jobs and remain with their families. Also, it eliminates much of the economic imbalance affecting the poor that is inherent in the bail system.

f. Short Form Presentence Reports: By focusing on information that is used most often by a jurisdiction's judges and by eliminating most psychiatric and psychological data, presentence investigations and reports can be shortened to permit more knowledgeable sentencing decisions for greater numbers of defendants.

g. Selected Offender Probation: Establishing a program that provides highly supervised probation for selected misdemeanant offenders offers judges an additional sentencing alternative. Such a program creates a middle-level alternative less harsh than incarceration and more stringent than unsupervised probation.

h. Mass Case Coordinator: The task of the Mass Case Coordinator is to work with police, prosecution, court, probation, and corrections personnel to implement the elements or techniques of the Improved Lower Court Case Handling program and to oversee case processing across functional lines. The coordinator may also act as planner, director of interagency projects, and problem solver for the entire system.[7]

The selection of these particular techniques was guided in part by a number of problems, some identified by the President's Commission on Law Enforcement and the Administration of Criminal Justice as characteristic of misdemeanant processing. These problems included:

- the large amount of police time spent arresting and booking petty offenders;
- the lack of screening capabilities at the misdemeanor level for differentiating offenders in terms of seriousness, and cases in terms of their legal sufficiency;
- the lack of information for sentencing and the lack of sentencing options for lower court judges; and
- the large size of misdemeanant probation caseloads, resulting in minimal supervision.

There is no doubt that most of the eight component techniques specifically targeted problems like those above. At the same time, these techniques, excepting the Mass Case Coordinator (MCC), had already been tried in other jurisdictions and had been the subject

of empirical studies. In this sense, then, the implementation and testing of these techniques in new jurisdictions clearly represented replication as opposed to demonstration.

What remained to be demonstrated, however, was that these components could be successfully integrated into a program whose effects and benefits would exceed those resulting from the implementation of a set of discrete and localized improvements.. In this respect, the Mass Case Coordinator (MCC) was the critical program element. This individual was to be responsible, in part, for insuring that a management orientation and interagency and inter-component coordination, both central to transforming the components into a program, were achieved. Thus, the program was ambitious insofar as it hoped "to engage police, prosecutors, courts, probation, and corrections agencies in a cooperative venture to improve the handling of lower court criminal cases..."[8] The program assumed that if case handling improvements were to be meaningful and lasting, their development and implementation would have to have a system-wide focus, recognizing the interdependencies of criminal justice agencies.

As noted earlier, the program concept accepted that the central problem in case handling was the size of caseloads and the limited system resources available for processing these cases. However, the $200,000 in funds to be made available to each demonstration site for program implementation was designed to demonstrate that scarce public resources could be used more efficiently, not that more resources per se could solve case handling problems. Again the key to this improved efficiency was the component techniques, the overall management orientation, and interagency cooperation. Ultimately what was to be implemented and institutionalized in each site was not

more personnel or equipment, but new and better methods of handling cases--methods that recognized the scarce resources available to the criminal justice system.

Thus, the concept behind the ILCCH program embraced both specific criminal justice techniques and a more general management orientation. It was, however, recognized that the exact nature of the planning and implemented strategies would necessarily vary from jurisdiction to jurisdiction.

It was noted early in program development that the "program package developed by OTT does not include major elements of the lower court system such as the public defender, jury utilization, or actual courtroom operations."[9] It was also clear that the program did not specifically have an anti-crime or deterrence objective. Finally, there was no consideration within the program concept of more fundamental problems circumscribing the operations of the lower courts. In the last few years, court analysts and researchers have directed more attention towards the persistently negative image of the lower courts and their function and, more importantly, critical conflicts amongst the various roles played by these courts.[10] Both the low status (within and outside the criminal justice system) accorded misdemeanors and the courts that process them, and the variety of functions manifest in these courts (social-rehabilitative, legal, political, etc.) have been seen as more significant problems than large caseloads or limited resources.

1.3 Site Selection and Grant Development

If the process of program development had been conducted rather rapidly by the OTT in late 1974 and early 1975, the program start date of late 1975 meant that site selection and grant development would also be conducted hastily. Grant proposals had to be submitted by

May 15, 1975. The OTT's goal was to fund five demonstration sites for eighteen months at a level of $200,000 each. The program concept had been sent to the court specialists in each of the LEAA's ten Regional Offices and they were asked to nominate sites. Although the sites were originally to be cities meeting a number of general criteria (including a population size of 100,000 to 500,000; a lack of significant political problems; the presence of crime problems and/or large misdemeanor caseloads; and a prior successful completion of a state or federal grant), the OTT decided that counties would provide a more appropriate programmatic context, because they were thought to have unified court systems.

By March 1975, seven sites had been nominated--New Castle County (Wilmington), Delaware; Richland County (Columbia), South Carolina; Kalamazoo County (Kalamazoo), Michigan; Kent County (Grand Rapids), Michigan; Bernallilo County (Albuquerque), New Mexico; Clark County (Las Vegas), Nevada; and Pierce County (Tacoma), Washington. The Institute for Law and Social Research (INSLAW), which had been involved in the definition of the program concept, received a contract to visit the proposed sites, and to assess their interest and system capability for successful implementation. Given that five sites were to be funded, INSLAW's task was to recommend five of the seven sites.

Because only one site could be selected from any LEAA Region and because Region V had nominated two sites (Kalamazoo and Kent Counties), it was clear, before site selection began, that one of them would be rejected. The actual process of site selection involved the INSLAW assessment visit, a discussion between INSLAW and the OTT concerning the site, and an almost immediate decision by the OTT to solicit a grant application. This type of rapid grant solicitation by the OTT reflected the short period of time available for grant development (around two months), and the fear that it might not find five

sites for the demonstration within this brief period, especially given the "lukewarm" reception the program received in some sites.

Site selection took place in March and April, 1975. When INSLAW visited the first site, Wilmington, it found criminal justice agency personnel uninformed about the nature of the program.(11) Thus, instead of assessing New Castle County interest, INSLAW briefed agency personnel on the program and left without conducting an assessment, although interest was apparently low. Shortly afterward, the site was selected by the OTT in the absence of any formal site evaluation. The decision to solicit a grant application from Wilmington was based largely on the recommendation of the Regional Office courts specialist who described New Castle County as an ideal site for the demonstration and who vouched personally for local interest.

At the next site, Columbia, receptivity for many of the component concepts was again rather weak. Indeed, two components, citation and summons, were legally precluded in South Carolina; however, there appeared to be some interest in the overall management orientation and in the MCC concept. With the urging of the Director of the State Planning Agency, another immediate decision was made by the OTT to solicit a grant application.

The next three sites selected--Kalamazoo, Albuquerque, and Las Vegas--exhibited interest in many of the components and strong local capabilities that suggested they could demonstrate the overall concept. Reinforcing this view was the fact that some of the component techniques were already in use in these sites, in one form or another. Given the rapidity of the selection process, it turned out that by the time INSLAW visited Tacoma, five sites had been selected. The INSLAW assessment, however, indicated that Tacoma would not be a particularly good demonstration site.

The INSLAW assessment report,[12] whose recommendations were consistent with the OTT's solicitations, was not published until June and was clearly after the fact. Because grant applications had to be submitted by May, the OTT solicited grant applications almost immediately after each site visit. In the cases of Columbia and Wilmington, these solicitations were made in the absence of any clear indication of local criminal justice agency interest. Thus a rational site selection process--involving the application of explicit criteria to the set of sites and then, selection--was never conducted. For that reason, Tacoma, which INSLAW later indicated as clearly preferable to Columbia, did not receive serious consideration since the first five sites (necessarily excluding one from Region V) had already been solicited.

The report did contain a number of insights that would prove predictive of much of the program experience. First, it stated that "INSLAW evaluators concluded that in only two of the seven jurisdictions they visited can a systematic program be readily introduced into the spectrum of criminal justice agencies envisioned by this program."[13] These two sites were Kalamazoo and Las Vegas. Second, the report made clear that across the sites, interest was generally limited to only a few components of the eight proposed and that there was apprehension about federally funded projects in general. Finally, the report noted that the program goal of interagency cooperation argued (in a pragmatic way) for limiting the program to cities instead of counties where the number of participating agencies could be overwhelming.

The grant applications received from the five sites by the OTT in May 1975 reflected both the brief time period for grant preparation and, to some extent, local interest and capability for the program. The Wilmington grant application was developed by the Delaware Agency

to Reduce Crime with no input from those agencies likely to be involved in component development and implementation. Component plans had no specificity; instead it was proposed that the selected MCC would work with a steering committee to analyze the misdemeanant processing system, after which component plans would be developed. Similarly, the Columbia grant application did not describe lower court needs and problems or provide specific plans for component implementation.

The Kalamazoo and Las Vegas grant applications provided much greater detail on their lower court systems, particular problems within those systems, and the nature of component implementation plans. Even in these grant applications, though, component plans reflected a great deal of guesswork simply because time was not available to thoroughly analyze the viability of the application of the component techniques in terms of specific agencies and their needs. The Albuquerque grant application included a number of program plans (including the purchase of equipment and the hiring of a misdemeanor prosecutor) that did not conform to the ILCCH program guidelines and eventually was rejected.

By early August, four sites--Wilmington, Columbia, Kalamazoo, and Las Vegas--had been awarded grants of $250,000 rather than the original $200,000 (the extra $50,000 being provided from the funds at first intended for the fifth site, Albuquerque). It was apparent as the program began in each site and the MCC's were hired, however, that the planning and analysis tasks necessary for efficient and effective implementation of the eight components remained to be completed.

1.4 The National-Level Evaluation

In March 1976, The METREK Division of The MITRE Corporation contracted to conduct the national-level evaluation of the ILCCH program. The proposed MITRE/METREK evaluation was based in part on an earlier evaluation plan[14] which attempted to take "the surfeit of vague, undefined program objectives"[15] and to organize and delineate them on a component-by-component basis. Although it was clear that components would be adapted in each site in accord with local needs, the MITRE/METREK plan[16] necessarily assumed that the component techniques would be of a specified nature and would serve explicit purposes. Although the evaluation plans would need to be modified along with local plans, these assumptions were necessary for a preliminary statement of data elements, measures, and analyses.

The MITRE/METREK evaluation plan also assumed a criminal justice system perspective. Although program literature had made mention of a wide range of benefits--including improved citizen relationships, time and resource savings for citizens, and better processing for defendants--the evaluation plan specifically addressed system uses, system outcomes, and system cost savings. In effect, the attempt was to construct an evaluation that was realistic with regard to what the components could achieve and what could reasonably be measured during the eighteen-month evaluation period.

The national evaluation was to produce three types of analyses--component, site, and program-wide (see Figure 1). Using the individual component evaluations as the building-blocks for these analyses, a wide range of qualitative and quantitative data would be collected to serve a variety of information and knowledge needs. Qualitative data would serve to provide descriptions of component and program processes including planning, implementation, operations, and

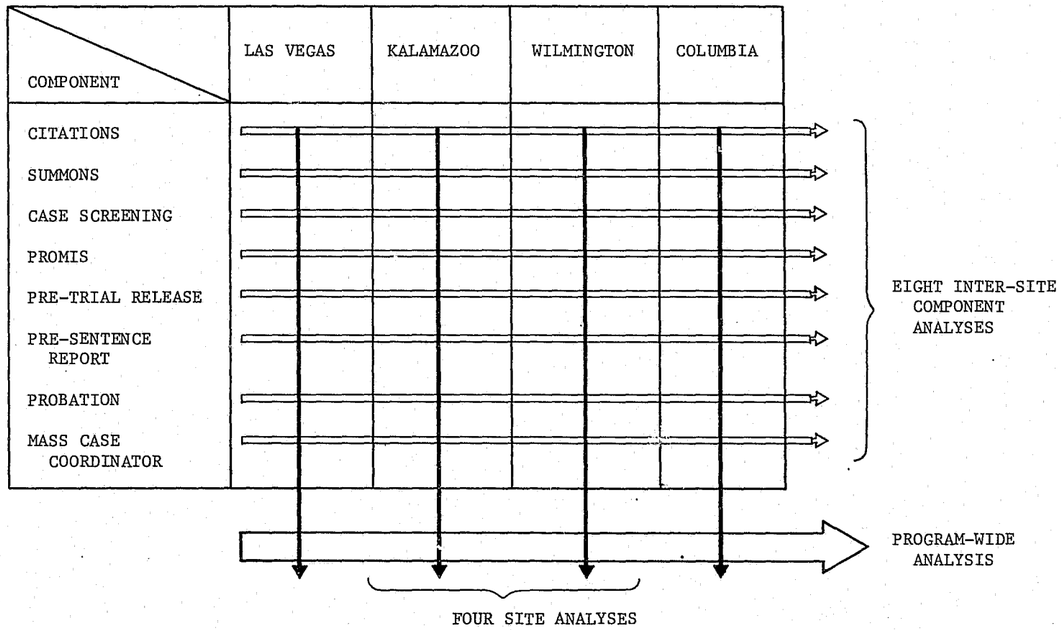

FIGURE 1
THE NATIONAL-LEVEL EVALUATION

institutionalization. Quantitative data would be used to assess the outcomes, effects, and potential savings resulting from component utilization.

Site visits to each locale provided the opportunity to collect information directly from personnel associated with ILCCH and other criminal justice agencies. This information was supplemented by documentation supplied by the Mass Case Coordinators. The collection of quantitative data was the responsibility of the local evaluator in each site, although MITRE/METREK was to provide assistance and guidance regarding required data. In many cases the responsibility for specific data collection was delegated to ILCCH component personnel, criminal justice personnel, or the MCC. The data collected in each site was a function of the efforts of those individuals responsible for the data, the cooperation of local system personnel, and the availability of the data itself. The end of May 1976, was the cutoff date for the collection of data.

The first analysis perspective, that of the four sites, provided the opportunity to individually summarize and evaluate the experience of each site with the eight components and the program as a whole. The four site evaluation documents,[17] which describe these analyses, provide much of the basic information for this report.

The present document presents the results of the two other types of analyses--the inter-site analysis of each of the eight components and the program-wide analysis. The next eight chapters of this document provide the inter-site examination of each component, including the Mass Case Coordinator. The final two chapters provide

the programwide analysis which is oriented toward summarizing the experience and effects of the four sites in terms of four major questions:

- Can the criminal justice system, via the ILCCH program, offer processing alternatives which free system resources?
- Are the system benefits accrued through the use of processing alternatives linked to certain system and social costs?
- Can the criminal justice system, via the ILCCH program, utilize screening and information-gathering mechanisms which promote better resource allocation and positive system effects?
- Can the system implement a formal coordinating function which will insure system efficiency through the development of inter-agency communication and coordination? [18]

2.0 POLICE CITATION

2.1 The Component Concept

The police citation procedure had been endorsed by the National Advisory Commission on Criminal Justice Standards and Goals in its report on the courts.[19] Police citation was selected for inclusion in the ILCCH program because its use for criminal misdemeanors promised a number of benefits consistent with the overall program goals. The issuance of a citation ticket, in lieu of formal arrest or as a post-arrest procedure, would obviate the necessity of transporting arrestees to the station for booking and detention procedures. In this way, police time would be saved as well as time and resources required for temporary detention. Theoretically, these savings could result in better manpower and resource utilization by the police.

In addition to direct system benefits, minor offenders would not have to suffer the indignities or the practical problems caused by formal arrest, booking, and detention. This promised improvements in police-community relations.

In many ways, the citation concept was an extension of the Manhattan Bail and Summons Projects[20] which demonstrated that many offenders could be safely released and their court appearance reasonably assured without money bond, if these offenders were characterized by strong community ties. Thus, the citation expands the notions of stationhouse and pretrial release to the field arrest. Instead of taking persons into physical custody and physically transporting them to the police station for processing, the police officer issues a citation (similar to a traffic ticket) which directs the individual to appear in court at a certain time for arraignment.

The issuance of citations is usually governed by formal guidelines specifying which offenses are eligible for issuance and under

what conditions. The final decision to issue, however, is almost always discretionary (that is, the officer is never obliged to issue a citation in lieu of arrest). Interestingly, the citation has been seen as a method of bringing the most minor offenders into court, rather than ignoring them because of the time required for formal arrest and booking. This raises the possibility that citation issuance could increase court caseloads, a result antithetical to the efficiency goals of the program.

2.2 The Experience of the Four Sites

Columbia did not implement this component because South Carolina law does not allow for the issuance of citations. Of the three sites which did undertake this component--Kalamazoo, Las Vegas, and Wilmington--all had some familiarity with the nature and use of police citations prior to the ILCCH program. For this reason, the component plans generally prescribed the development of a new, uniform citation ticket and expansion of use. Additionally, because local law enforcement agencies were familiar, for the most part, with citations, not much time was spent "selling" these agencies on the concept. Instead, forms were developed and turned over to the police; the use of the citations was ultimately a function of the formal and informal policies of each police department. Table I summarizes the experience of the three sites with police citations.

Because the Las Vegas Metropolitan Police Department (LVMPD) had been using citations since late 1974 and had expressed interest in expanding use, responsibility for the development of a county-wide form and of citation policy and procedures was given to this agency. In Kalamazoo, the MCC worked with a subcommittee of law enforcement officials to develop a county-wide form and procedures for use by city police departments in Kalamazoo and Portage and by the Kalamazoo County Sheriff's Department (KCSD). In Wilmington, the proposed

TABLE I

POLICE CITATION - FOUR SITE SUMMARY

	KALAMAZOO	LAS VEGAS	WILMINGTON	COLUMBIA
PRE-ILCCH STATUS	Used infrequently by Portage for ordinance violations.	Used by LVMPD for petty larceny. Issued about 60 per month.	Used by city of Wilmington as stationhouse citation for drunks.	None. Citations are not allowed by South Carolina law.
IMPLEMENTATION	April 1976 - City of Kalamazoo; June 1976 - Kalamazoo County; Developed a county-wide form.	April 1976 - tickets printed and all training completed; developed a county-wide form.	August 1976 - forms and sample procedures distributed to 20 polict departments; developed a state-wide form.	
USE	City - 17 per month; County - 6 per month; Portage - 10 per month.	65 per month by LVMPD, almost all for petty larceny.	Infrequent throughout state, except for Newark and New Castle County where used as stationhouse citation.	
INSTITUTIONALI-ZATION	All jurisdictions have indicated continued use and possible expansion of citation use; used also by housing inspectors and other para-law enforcement personnel.	Continued use seen throughout county.	Yes, for Newark and New Castle County; undeterminable for other police departments.	
OTHER COMMENTS	Use is restricted by small number of eligible offenses and the requirement that they be witnessed by police officers.	Expansion of use is dependent on change of implicit policy which targets only petty larceny as citation offense.	Extensive field use is dependent on changes regarding information necessary after arrest.	

goal was to develop a state-wide form; yet the ILCCH program steering committee, created by the Delaware Agency to Reduce Crime to assist the MCC with component development and implementation, included no police representatives. For this reason, the MCC worked with the Delaware Police Chiefs Regional Council (DPCRC) to develop a form and procedures.

There were no significant problems in any of the three sites in terms of reaching consensus about the exact nature of the ticket or the formal procedures for issuance. State law in Delaware and Nevada allows for the issuance of citations for misdemeanor arrests; in Michigan, issuance is restricted to misdemeanors or ordinance violations with maximum jail and fines of 90 days and $500 respectively. Additionally, in Michigan and Delaware, the police officer must witness the criminal event in order to issue a citation. In Nevada, officers could issue citations based on citizen arrests. In all cases, there were guidelines for issuance which invoked questions regarding the community ties of the alleged offender (that is, the likelihood of court appearance) and possible dangers which he or she represented to the community or offender. In all cases, the final decision rested with the police officer.

The limited use achieved for citation in all three sites was a function of the actual populations eligible for citation issuance and of the explicit and implicit policies of the police departments involved. Analysis of citation data for the Kalamazoo Police Department indicates that only 8.3 percent of all non-traffic, misdemeanor arrests were eligible for citation issuance (that is, they involved citable offenses and were witnessed by police officers), and that citations were issued in only about one-half of these eligible instances; this translated into 17 citations issued per month. Estimates of cost savings, based on reductions in police time

required for arrest and booking, varied considerably in Kalamazoo depending on the nature of the offense. For example, citation arrests for "open intoxicants in car" (which accounted for over half of the citations issued) require that the individual's car be impounded, thus adding significantly to arrest time. An average cost saving per citation of about $25 indicated total savings of $4,800 for a twelve-month period. Citation usage in Portage and Kalamazoo County generally followed the pattern of restricted eligibility and use described above.

In Las Vegas, there was no significant expansion of citation use during the ILCCH program period. Additionally, the past practice of only issuing citations for petty larcenies (almost always based on citizen arrests) continued. Discussions with the LVMPD did not clarify why this implicit policy has developed in the LVMPD, especially considering the LVMPD's actions suggesting strong interest in expansion of citation usage. Because the ILCCH program did not result in increased use, no savings are attributable to the program.

In Delaware, the implementation and use of police citations was severely hindered by a formal policy of the State Police that required the State Bureau of Identification to be provided with booking data, including fingerprints, for all arrests. Since citations were interpreted as an arrest, arrestees would still have to be transported to the station for booking even if they were eventually released. This policy, adopted by almost all police departments in the state, radically reduced the major benefit of citations--savings in police time. Thus, few police departments saw a strong need to use the new citation form. Two jurisdictions, Newark City and New Castle County, did make use of stationhouse citations in most eligible instances (456 citations out of about 500 eligible instances during a ten-month period). Again, however, the necessity of police observation of the offense restricted eligible instances to about 50 a month for both jurisdictions.

It is clear that citation use and related savings during program implementation were not as extensive as those envisioned at the program's outset. At the same time, the three sites did manage to develop and reach consensus on uniform citation forms and procedures. Although use of citation was not great, most police departments expressed satisfaction with the citation as a useful alternative to traditional arrest procedures and noted no special problems with issuance or with court appearances. However, in Kalamazoo there was evidence of a possible increase in misdemeanor arrests because of citation usage.

In addition to use by various police agencies, the citation found use in Las Vegas and Kalamazoo with various para-law enforcement agencies including the University of Nevada Security Police and the housing and public health inspectors in Kalamazoo. In all jurisdictions, the feeling was expressed that, with greater police familiarity with citations, use would expand. At the same time, there were significant barriers to widespread citation use in each site and future expansion in use would be at least partly dependent on the removal of these barriers. In Delaware and Michigan, eligible offenses are severely restricted by the necessity of police observation of the offense. Additionally, in Michigan the pool of eligible offenses excludes a number of common misdemeanors. In Delaware, field citations are precluded by local adherence to the State Police policy which requires booking and fingerprinting of all arrestees; these policies were under review (as of May, 1977) with the hope of making changes that would permit field citations. Finally, in Las Vegas, where law and formal policy restrictions seemed least salient, implicit policies of the LVMPD prevented citations from being used for any misdemeanors except petty larceny.

It seems likely that these restrictions and the constraints they placed on citation use (and savings in police time) might have been

apparent, at least partially, if (a) the sites had had sufficient time to conduct the kind of analyses necessary to realistically plan for component implementation and to gauge anticipated use and benefits and (b) if those sites had had the capability and the desire, at program initiation, to perform those analyses. As it happened, it was not until program implementation got underway that each site was forced to examine and analyze certain functions and problems related to misdemeanor processing, so that component operations could be planned. Unfortunately, this meant that for some components, their lack of viability in a particular jurisdiction was not evident until well into the program's life.

It is clear that the analyses necessary to support planning for the introduction of the police citation need to embrace the examination of a variety of factors likely to impinge on operations and utilization. First, existing laws and formal policies related to arrest procedures and/or booking requirements should be studied to see if there are formal restraints on the use of the citation. Given certain restraints (e.g., the necessity of policy observation of the criminal event or defined eligible offenses), misdemeanor arrest data can be collected and estimates derived of the actual population of arrests for which citations could in fact be issued. Existing arrest procedures can be examined to estimate the kinds of savings which citation issuance would afford. Because the use of citations is almost inevitably a police function, these analyses should be conducted with the close involvement of law enforcement agencies. It is their explicit and implicit policies which will finally dictate actual police use.

Despite limited use and restrictions in the ILCCH program, however, citations have been institutionalized in the three sites which implemented the component and will probably remain a permanent

procedural alternative for police, with greater use likely in the future. Especially significant is the fact that in all the sites, citations are now employed by agencies which never used them in the past.

3.0 COURT SUMMONS

3.1 The Component Concept

The court summons procedure is seen as a less costly alternative to the traditional practice of issuing and executing arrest warrants in minor criminal cases, particularly those based on citizen-based complaints. The procedure, endorsed by the National Advisory Commission on Criminal Justice Standards and Goals,(21) involves the issuance of a notice by the court informing the alleged offender to appear in court at a specific time. The decision to issue a summons as opposed to an arrest warrant is a judicial or prosecutorial function.

Typically, in cases involving citizen-based misdemeanor complaints, an arrest warrant is issued and a police officer is dispatched to make a physical arrest and return the individual for booking and, possibly, detention. The summons, which can be sent by mail, serves as a more efficient alternative by simply notifying the individual of the charge and directing him to appear in court for arraignment. Thus, like the police citation, it is designed to save police time, eliminate arrest for the minor offender and avoid negative impacts on police-community relations.

3.2 The Experience of the Four Sites

As with citations, South Carolina law did not allow the use of summons and, thus, Columbia did not undertake this component. The three other sites had widely varying experiences with the implementation and use of the court summons. After considerable analysis and planning, Kalamazoo did not find sufficient need for the summons and, thus, it was not implemented. Las Vegas developed a county-wide summons form but did not expand use during the ILCCH program. Finally, Wilmington implemented the summons in the Magistrate's Courts

for the first time but, because of a number of reasons, it found limited use. Table II summarizes the experience of the four sites with the court summons.

The summons had been used by the City and District Attorney's Offices in Las Vegas prior to the ILCCH program. Component plans, therefore, specified the development of a uniform summons for Clark County and expansion in summons use. In the Municipal Courts of New Castle County and the lower courts of Kalamazoo County, summons had not been used in the past for criminal complaints. Thus, at these sites, the concept of summons would have to be "sold" to the courts and prosecutorial agencies before development and implementation could begin.

The attempt to implement a uniform summons for use by all prosecutorial agencies in Kalamazoo County failed simply because of a lack of need on the part of the involved agencies. Prior to the ILCCH program, the police had already been employing an informal alternative to the execution of arrest warrants. After receiving an arrest warrant, police would call or send a letter to the alleged offender informing him of the arrest warrant and asking him to voluntarily appear for booking and arraignment. This informal procedure, serving many of the same purposes as arrest warrants, had worked well in the past and there were no strong reasons to change to a formal summons procedure. There was also some fear that summons, by bypassing booking, would subvert the collection of local criminal offense history data. Finally, when it was suggested that the citation ticket could serve as a summons, the City Prosecutor protested because this procedure would virtually eliminate the review of ordinance violations, the major function of the City Prosecutor.

TABLE II

COURT SUMMONS - FOUR SITE SUMMARY

	KALAMAZOO	LAS VEGAS	WILMINGTON	COLUMBIA
PRE-ILCCH STATUS	Used only for civil complaints; informal procedures, however, were used instead of arrest warrants.	Used by District and City Attorney.	Used in Wilmington Municipal Court but not Magistrates Courts.	None. Summons are not allowed by law.
IMPLEMENTATION	None.	June 1976; new uniform summons for all county agencies.	July 1976; summons adopted by Magistrates Courts.	
USE	None.	About 13 per month in City Attorney's Office, representing 74% of all citizen complaints.	About 30 per month for all Magistrate's Courts in New Castle County; estimated at less than 20% of all citizen-based complaints.	
INSTITUTIONALIZATION	None.	Summons are institutionalized procedures in District and City Attorney's Office.	Institutionalized, but level of use dependent on decision regarding delivery of summons by mail.	
OTHER COMMENTS	Existing informal procedure used to summon minor offenders diminished need for formal summons.	There was no expansion in use in Las Vegas because summons were being used to full potential prior to ILCCH.	Use constrained by police preference for arrests.	

Of all the lower courts involved in the program, the Magistrate's Courts of New Castle County seemed to have the greatest need for the court summons. An analysis conducted by the MCC revealed a large number of citizen-based complaints and a substantial backlog of unexecuted arrest warrants. The Magistrate's Courts had showed an interest in a court summons procedure in the past but they made no progress because the police, whose budgets were augmented for warrant execution, feared a reduction in these budgets if summons became commonplace. For this reason, the MCC worked with the Delaware Police Chiefs Regional Council to develop an understanding of the need for summons.

Consensus was finally reached after the police were assured that some complaints (especially those involving sex offenses or violence) would be sent to police for further investigation. Additionally, the magistrates wanted assurance that criminal offense data on offenders issued summons would be centrally recorded in the state. Finally, it was determined that it was preferable, in accord with court rules, for summons to be hand delivered by constables rather than mailed. Data from the Magistrate's Courts indicate that about 30 summons were issued per month, representing only about 20 percent of all citizen-based misdemeanor complaints. The small use and the fact that summons were hand-delivered indicate that cost savings were minimal. Perhaps the most important factor limiting wider use was police pressure for arrest warrants. This predisposition towards arrest reflects the police belief that arrests are an important method of developing leads and establishing criminal profiles.

In Las Vegas little was accomplished except the development of a uniform summons for the county. Data indicate no expansion in summons use during the ILCCH program and indicate also that, prior to the ILCCH program, the City Attorney's Office was issuing summons

in about 75 percent of the eligible cases, suggesting little room for expansion in use. Attempts to develop uniform guidelines across Clark County for summons issuance failed because judges felt that such guidelines would reduce their discretion. Finally, it should be noted that summons are hand delivered by bailiffs, thus reducing potential cost savings.

As with the police citation component, the analysis and planning functions had to be conducted during the program itself. If these functions had been conducted prior to the program, it is possible that the lack of substantial need for this component in Kalamazoo and Las Vegas would have been evident and ILCCH program resources could have been used on other components.

Again, as with the police citation, planning for court summons should involve a number of analyses. First, current law and policies must be examined in terms of arrest procedures related to citizen-based complaints. Data on these complaints can be collected, and given eligible offense categories, the size of the eligible population can be estimated. Current warrant procedures should be examined to see if, and to what extent, summons represents a savings in manpower and other resources. Because the issuance of summons typically involves police, courts, and prosecutors, all of these agencies should be involved in the development of summons policy. In ILCCH, there were unanticipated concerns on the part of police (related to possible budget reductions and related to the development of offender data) that affected summons use.

The experience of the three ILCCH sites revealed that the establishment of a need for summons and their implementation can involve many more factors than the simple substitution of summons for warrant procedures would suggest. In both Kalamazoo and New Castle

Counties, there were realistic concerns expressed about the collection of criminal offense data when summons are employed. In New Castle County, the police believe that arrests are useful functions insofar as they help develop criminal profiles of repeat offenders, especially those involved in offenses like forgery of checks.

There were questions raised in both New Castle County, Kalamazoo, and Las Vegas about the way in which summons might supplant existing functions. In New Castle County, police feared budget reductions if they could not justify the need for warrant execution. Judges in Clark County were concerned that formal guidelines for summons issuance would reduce their discretion. The City Prosecutor in Kalamazoo would have had his major function--the screening of ordinance violations--removed if a summons procedure involving the use of police citations had been adopted.

In any case, it is clear that summons did not find the simple and direct application initially envisioned in the program. Instead, it proved to be a complex procedural function involving the actions and interests of the police, prosecutors, and courts. Even in Las Vegas and New Castle County, where summons are in use, they did not result in manpower savings simply because local policies direct summons to be hand delivered in the same manner as arrest warrants.

4.0 PRETRIAL RELEASE (ON RECOGNIZANCE)

4.1 The Component Concept

The Manhattan Bail Project,[22] conducted by the Vera Institute in 1971, was the first major test of the concept of releasing defendants before trial on the defendant's promise that he will appear. Since this project, the concept of release on recognizance (ROR) has become an integral part of the bail reform movement in this country. Over one hundred projects based on the Vera program have been implemented.

The major contribution of the Manhattan Bail Project was its empirical demonstration of the fact that verified knowledge of certain defendant characteristics could serve as an effective predictor of the likelihood that a defendant will appear for trial. The project demonstrated that defendants with "community roots"--defined in terms of family, residence, and job ties--were as good a risk for release as defendants released on money bail. The project employed an objective screening instrument which rated defendant characteristics in order to describe defendants to the courts as qualified or unqualified for release on recognizance.

The project, like most ROR projects since, had two major goals. The first was to safely release as many defendants as possible and, thereby, reduce the jail population and related costs. The second goal was to bring equity to pretrial release decisions such that a defendant's eligibility for that release was not a function of his ability to pay. Additionally, the release of defendants provides them the freedom to continue their normal lives while awaiting trial. It should be noted that release on recognizance has been traditionally employed by the courts when dealing with defendants who are either well known, reliable, or prominent citizens. The contribution of the Manhattan Bail Project was its extension of this practice to indigents and its empirical demonstration of the viability of this practice.

Within the ILCCH program, a release on recognizance component would extend the pre-arrest procedures of citations and summons (which sought to limit the criminal justice involvement of misdemeanants) to the post-arrest period. All three would work to prevent the unnecessary detention of minor offenders. In addition to the goals mentioned above, it was hoped, as part of the interagency focus of the program, that the information gathered and verified as part of the pretrial interview process could be used as part of the presentence investigation and probation processes where similar information was collected. Likewise, it was anticipated that pretrial investigators might be able to use information from the screening and PROMIS components.

4.2 The Experience of the Four Sites

The experience of the four sites with the pretrial release component, summarized in Table III, was heavily conditioned by the nature of prior release practices in the sites. All four sites had been using secured and unsecured bond (and/or money bail), and informal ROR as release mechanisms prior to the ILCCH program. Analyses conducted by the MCC's in Wilmington and Kalamazoo prior to component implementation indicated that very few misdemeanants were detained awaiting trial because of a lack of funds. In both places, the widespread use of money bond, unsecured bond, and informal ROR by judges and magistrates made pretrial detention a rarity.

In Wilmington, component plans originally entailed the hiring of two probation officers (as pretrial interviewers) so that formal pretrial services would be available to the Magistrate's Courts. The MCC's analysis revealed little demand for these formal services, and, thus, no pretrial program was implemented in Wilmington. However, it was discovered that magistrates typically made ROR decisions with very little and/or unreliable criminal offense data, because it took two weeks to receive this information from the state. Thus, there

TABLE III

PRETRIAL RELEASE - FOUR SITE SUMMARY

	KALAMAZOO	LAS VEGAS	WILMINGTON	COLUMBIA
PRE-ILCCH STATUS	No formal program for misdemeanants; judges used money bond and informal ROR.	No formal interview or follow-up procedures; some ROR's based on unverified information.	Most misdemeanants given ROR or unsecured bail; interview services available.	ROR used minimally and based on informal information.
IMPLEMENTATION	Began April 1976.	Pretrial component began two months before ILCCH (May 1975) w/ local funding; both misdemeanants and felons eligible for ROR.	ILCCH funds used to obtain two computer terminals for increased access to criminal history data by courts.	February 1976: only for General Sessions; informal criteria applied.
USE	For 13-month period: interviewed 34/mo. recommended 16/mo.; 6/mo. granted ROR in accord w/ recommendation; no FTA's.	For 13-month period: interviewed 281/mo.; 900 of 1200 "qualifieds" were RORed; FTA rate under 2%; evidence of cost savings.	Used to gather sentencing and pretrial information on wide range of defendants.	For 9-month period: interviewed 78/mo.; recommended 31/mo.; 20/mo. released on ROR; FTA = 6%.
INSTITUTIONALIZATION	No. Was not sufficient need for ROR to justify local funding.	No. County Commissioners voted against refunding in June 1976, despite broad CJS and community support for program.	Computer terminals will be maintained after program terminates.	No. Informal ROR continues without formal recommendations.
OTHER COMMENTS	Only one of the three courts offered ROR services used them.	Failure to institutionalize resulted from bail bondsmen pressure which took advantage of the fact that felons were released, some of whom were rearrested.		In January 1977, State Supreme Court Order terminated ROR as in conflict with Bail Act.

was a substantial demand in both Wilmington Municipal Court and the Magistrate's Courts for computer terminals which would allow them rapid access to state criminal history files. This criminal offense data was important for both ROR decisions and presentence investigations. Thus, ILCCH funds were eventually approved for use to rent two terminals, one for the Wilmington Municipal Court and one for a centrally-located Magistrate's Court. Because implementation was not accomplished until after January 1977, full evaluation of the impact of these terminals was not possible. Use has been heavy especially by presentence investigators and the magistrates.

Because few misdemeanants were detained in Kalamazoo and because informal ROR was a common practice, the misdemeanant pretrial release component there was designed to provide pretrial services to the three District Courts such that greater consistency in release decisions could be achieved. To this end, the component adopted procedures and criteria similar to those originally designed by the Vera Institute.

Soon after the program began interviewing detainees and making recommendations to the three courts, it became obvious that District Courts 8 and 9-2 (representing Kalamazoo County and Portage) were not using pretrial recommendations as a basis for ROR decisions. Instead, these courts continued to use mostly bond for releasing defendants. Only District Court 9-1 (City of Kalamazoo) used ROR frequently and insisted that misdemeanor detainees be interviewed. Even here, however, the court showed no particular dependence on pretrial recommendations. Only 42 percent (60 of 144) of the individuals "recommended and verified" were released on their own recognizance. This lack of dependence is further exemplified by the fact that 22 percent (18 of 79) of the individuals "not recommended" were granted ROR. In all, the project interviewed 449

defendants during a 13-month period; there were no failure-to-appears (FTA's). Because of the program's lack of effectiveness in influencing ROR decisions, the small number of defendants granted ROR and the small number of detainees, estimates of the savings from the program were minimal.

Las Vegas and Columbia probably had the greatest need for formal pretrial services prior to the ILCCH program. Both had jails which were overcrowded and despite the use of informal ROR by judges, there seemed to be considerable need for a formal process to insure consistency in release decisions and to effect release of more defendants than in the past. This was particularly true in Las Vegas where informal decisions were based on information provided by a defendant's lawyer. Because indigent defendants would not be assigned a public defender for about seven days, they would have to remain in jail during this period with no possibility of pretrial release.

The pretrial release program in Las Vegas ran for a 13-month period. During this time it interviewed 3,654 defendants; 1200 were considered qualified and presented to the court for ROR. Of these 1200, 900 (75 percent) were granted ROR indicating a high degree of judicial confidence in the program's criteria which, again, were derived from the original Vera project. The program provided follow-up services for all 900 defendants granted ROR and, at the end of the project in June 1976, the FTA rate was under 2 percent. It is critical to note that the majority of defendants interviewed and released (over 75 percent) were felony defendants. The decision to target felony, as well as misdemeanor defendants was, in part, due to the fact that the citation and summons components were to avoid the pretrial detention of many misdemeanants. Estimates indicate that the pretrial release program resulted in substantial cost savings resulting from the rapid release of indigent defendants. Additionally,

the program, brought improved fairness to release decisions in the Justice Court of Las Vegas and there is some data indicating that the jail population was reduced as a result of the program.

From its inception, the Las Vegas pretrial program encountered strong opposition from the local bail bondsmen who viewed the program as an economic threat to their substantial business in Las Vegas. As the program neared a refunding decision by the County Commissioners in June 1976, the bail bondsmen stepped up efforts to discredit the program in the local press. In addition to distorting the nature of the program and its FTA rates, the press highlighted offenses committed by individuals on ROR and portrayed the program as part of the "revolving doors of justice" phenomenon. In the end, despite impressive statistics and the widespread support of the courts, key criminal justice agencies, and community groups, the County Commissioners turned down refunding and thus ended a notably successful component of the ILCCH program. Pretrial release procedures in Clark County have now returned to pre-ILCCH conditions in which indigents wait in jail a week before receiving a chance for ROR.

The ROR component developed in Columbia, operating out of the Solicitor's Office, employed a range of informal and formal criteria and procedures in making pretrial release decisions. After a defendant was interviewed, the interviewer would take his recommendation to the MCC for approval; if the MCC approved the recommendation, he went to one of two assistant solicitors for final approval. The one judge who was granting ROR for General Sessions Court defendants always concurred with the release recommendation from the Solicitor's Office. There were no objective criteria employed to automatically define a defendant as qualified or unqualified and many of the decisions were based on the interviewer's perceptions of the defendant.

For the duration of the program, twelve months, 1,033 defendants were interviewed, and 275 were recommended and released on ROR. The program's FTA rate was 6.15 percent. Based on baseline data, the program only increased the number of individuals on ROR from 12 to 20 per month. It was originally intended that the component would operate until the end of March 1977; it was expected that the County Council would refund the program as of June 1977. However, in January 1977, a Chief Justice of the State Supreme Court handed down an order which terminated all pretrial operations in the Solicitor's Office immediately. The order found the program in conflict with South Carolina's 1969 Model Bail Reform Act which states that magistrates must hold bond hearings, and that defendants must be given ROR unless there is sworn testimony as to why he should not be released on recognizance. The order made it clear that the Solicitor's function was not to affect a defendant's ROR, but rather to present evidence in those cases where a defendant should not be granted ROR.

At the program's end, the pretrial interview services were offered to the magistrates for their use in making ROR decisions. Although the magistrates are releasing defendants on ROR, they have made no use of these services. The concept of formal pretrial release criteria and procedures was never accepted at any level in Columbia. Local lawyers did not favor the program because it affected them economically, as their relatives often served as informal bondsmen. There was evidence as well that, because of existing philosophies, the law enforcement agencies and the Solicitor's Office were uneasy with the concept and, thus, preferred to retain an informal and limited application of ROR procedures.

The experience of the three sites which implemented, operated, and attempted to institutionalize pretrial release programs reveals this component as probably involving more controversy and conflict

with existing procedures and interests than any of the other ILCCH components. Although Kalamazoo and Las Vegas developed operationally-sound programs with formal criteria and procedures, neither program survived. In Kalamazoo, there was no large demand for pretrial services by the judiciary and, equally important, judges were reluctant to adopt a policy that would reduce their discretion in release decisions. In Las Vegas, the program conflicted with existing economic interests and, despite tremendous acceptance by judges, eventually fell victim to a variety of negative characterizations in the press. There is no doubt that the program's decision to release felons on recognizance, in a city already beset by the nation's highest crime rate, contributed in a major way to the program's demise.

In Columbia, there was also the conflict with economic interests and a general apprehension about the notion of release without bail. There, however, the program was of such poor operational quality and did so little to make the judiciary aware of its existence and purposes that external conflicts seemed secondary. In effect, no one was extremely persuaded of the need for or desirability of a formal pretrial release program. At the ILCCH program's end, therefore, none of the three sites was able to institutionalize a formal release program.

The experience of Kalamazoo, Las Vegas, and Columbia with pretrial release programs highlights the complexity of issues involved in release on recognizance and underlines the need for considerable pre-program analysis and planning, if a successful program is to operate and remain in existence. The concern with pretrial release extends across the courts, which have primary responsibility for release decisions, to police, prosecutor, defense, and the public. There are bail reform movements in many states and many states have

enacted legislation specifying the modes of pretrial release to be pursued by the courts and the conditions for their use. Any pretrial release program must be shaped in terms of existing law. Additionally, the cooperation of the courts and police is essential. The courts make the decisions and the police control the logistics of the pretrial interview. Existing release practices must be examined to determine their effectiveness in terms of reducing unnecessary detention, providing equity, and assuming the court appearance of releasees. Finally, eligibility requirements and release criteria need to be developed so that the size and nature of the release population can be estimated.

5.0 CASE SCREENING

5.1 The Component Concept

The pretrial screening of criminal cases generally describes the processes of case intake, review, and charging by the prosecutor. The screening process allows a prosecuting attorney to examine a case and exercise his discretion to determine what further action can or should be taken. In this sense, screening is a decision-making function that can serve to accomplish a number of objectives. At the broadest level, screening should lead to the better utilization of the scarce resources available within the criminal justice system.

The review of cases by a prosecutional agency, especially when guided by formal policies and procedures, can result in greater uniformity in the charging process. Additionally, cases can be prioritized in terms of seriousness of offense or offender so that prosecutional resources can be utilized more effectively. In many cases, the prosecutor can direct cases of low priority or of some particular nature to whatever alternatives are available.

One of the most significant objectives of case screening is the elimination of legally insubstantial cases early and the return of other cases to the police for additional information and/or investigation. This "weeding out" of cases can result in workload savings for the prosecution and for the host of other agencies (courts, corrections, etc.) that would eventually deal with these cases. The interactions between police and prosecutor fostered by the screening process can aid in the clarification and improvement of the respective functions of these two agencies.

Case screening was seen as one of the most significant components of the ILCCH program because of its critical position in the case flow process. Not only did screening have important reverberations for other criminal justice functions and agencies, but screening was one component where the management focus, central to the ILCCH concept, could be realized. By establishing policy and guidelines, prioritizing cases, rejecting cases, and using diversion alternatives, the prosecutor could gain control over the case flow process and bring uniformity and consistency to his own actions.

Another important function of screening is that it is an information-gathering stage in case processing that can provide data on offenders and offenses for use in other functions (e.g., pre-trial release or presentence investigations). For ILCCH, this function was significant since screening was to provide much of the initial information for PROMIS, the information system component of the program. In return, PROMIS could produce management information bearing on the exercise of discretion by the prosecutor in the screening and charging process.

5.2 The Experience of the Four Sites

The differences in the four sites with respect to their plans for screening, and the implementation and operation of a screening function were shaped, in part, by the nature of prior screening activities. Table IV summarizes these experiences. In Las Vegas and Kalamazoo where screening was already a formal prosecutorial function, plans involved conducting analyses of the current function and developing a misdemeanor charging manual to bring uniformity to the charging process. In New Castle and Richland Counties, where screening of cases had not been previously conducted, plans involved the operation of screening units basically to remove "bad" cases from the system and thereby improve prosecutional performance.

TABLE IV

CASE SCREENING - FOUR SITE SUMMARY

	KALAMAZOO	WILMINGTON	LAS VEGAS	COLUMBIA
PRE-ILCCH STATUS	Formal Screening Unit in County Prosecutor's Office; screening conducted by City Attorneys in Kalamazoo and Portage.	Non-existent in lower courts of New Castle County; additionally no prosecutors available in magistrates' courts.	Formal Screening Unit existed in D. A.'s office.	No formal screening; almost all cases passed to Grand Jury and indicted.
IMPLEMENTATION	July 1976 - adoption of county-wide warrant request and disposition form; August 1977 - developed police charging manual.	June 1976 - Magistrate's Courts and CCP; August 1976 - Wilmington Municipal Court.	Misdemeanor charging manual was never developed. Misdemeanor charging responsibilities shifted from police to D. A. in July, 1977.	Feb. 1976 - for entire Fifth Judicial Circuit.
USE	New warrant request form used by all prosecutorial agencies in County.	22% of all Magistrate's Court cases, 66% of CCP cases, and 100% of Municipal Court cases screened; outcome changes only for CCP.		Originally screened selected cases; Sept. 1976 - began screening all cases; positive effects on case backlog and dispositions.
INSTITUTIONALIZATION	New warrant request form is institutionalized; no determination regarding police charging manual.	No. State funding not available.	D. A.'s office now charges misdemeanors.	Yes. Screening Unit integrated into Solictor's Office.
OTHER COMMENTS	Screening analyses led to uniform treatment of shoplifting by City Attorney and County Prosecutor.	Screening of cases in Magistrate's Courts allowed prosecution by attorneys for first time.		Component improved police-prosecutorial interactions.

Because the District Attorney's Office in Las Vegas already had a formal screening unit, ILCCH monies were to be used to develop a misdemeanor charging manual for use by the unit and to conduct an analysis of the existing screening and charging practices. This analysis revealed that the major problems with misdemeanor complaints occurred because the police, rather than the District Attorney (as with felonies), filed these complaints. To recharge a complaint or to return for reinvestigation created tremendous paperwork and other problems and charging assistants would often deny complaints rather than initiate either of these alternatives. A proposal to give the District Attorney responsibility for filing misdemeanor complaints was not acted upon, until July 1977, because of a lack of resources to effect the change. As of July, however, the D.A.'s office assumed charging responsibilities for misdemeanors and this should result in greater consistency and efficiency in this process. Because of the low priority accorded misdemeanor screening in general, the charging manual was never developed.

As already mentioned, the existence of screening activities in the prosecutorial agencies in Kalamazoo County directed ILCCH efforts toward the analysis of these activities and the development of a charging manual in much the same way as Las Vegas. In Kalamazoo, however, a screening subcommittee was formed by the ILCCH Coordinating Council to direct these activities. This subcommittee's study of screening in the county led naturally to recommendations to develop a police charging manual to assist police in making proper charges, and to develop a common warrant request and disposition form for use by all prosecutional agencies. This form would allow the collection of comparable intake data regarding warrant authorization and denials for use by prosecutional and police agencies.

The implementation of the common warrant form in July 1976 also led to the resolution of a major inconsistency in the handling of shoplifting cases in Kalamazoo. The form allowed all shoplifting cases to be transferred to the County Prosecutor's Office so that these cases would be eligible for diversion to the Citizen's Probation Authority. The common warrant form has also allowed the collection of uniform charging data across the county. Data for 1976 indicated 55 percent of all warrant requests were denied. Significantly, 23 percent of warrant denials were because of police charging problems, lending credence to the importance of developing the police charging manual. This manual was not completed until August 1977, thus no data is available on its impact.

It should be noted that the broad analytical approach to the screening process employed in Kalamazoo made use of the MCC and a subcommittee of criminal justice agency personnel with responsibilities and interests in the screening area. For this reason, their approach was not oriented towards implementation of a component so much as examining a complex problem and attempting to implement whatever changes were necessary. The common warrant request form was a change that allowed the collection of data across agencies so that an empirical investigation of screening problems became possible.

Because of the absence of a screening function in the Magistrate's Courts and the Court of Common Pleas (CCP) in New Castle County, component plans entailed the hiring of attorneys and assistants to provide for the screening of cases in these courts. Additionally, these units would prepare cases for prosecution and, in the Magistrate's Courts, the screening attorney would prosecute selected cases; in the past no attorneys had been available for prosecution at this level. Because of confusion regarding the purposes of screening and because of administrative problems, screening was never properly

implemented in the Magistrate's Courts. Data indicated only 24 percent of eligible cases were screened and that, although the percentage of cases dismissed increased from 4 percent to 20 percent, there was no improvement in the quality of case dispositions. Additionally, the availability of a prosecutor in the Magistrate's Courts did not affect case dispositions. There is some evidence that the screening function was not altogether compatible with the existing role of the Magistrate's Courts as informal arbiters, settling neighborhood disputes and disposing of petty offenses.

In the CCP, on the other hand, where 66 percent of all cases were screened, there was an increase in the percentage of cases screened out, and there was some evidence that the quality of case dispositions improved (e.g., more guilty pleas, less dismissals, etc.). In the Wilmington Municipal Court where the existing screening function was augmented, data indicated there were no significant improvements in the screening function. In summary, with the exception of the CCP, screening activities implemented under ILCCH did not have much impact on court proceedings or dispositions. There seemed little commitment to misdemeanor screening in general as reflected by the numerous misunderstandings and problems which occurred during implementation. There was also some expectation that the state would not be likely to assume the expenditure of screening personnel salaries in the various lower courts, given the scarcity of funds.

Richland County had more need for a screening function than any of the other three jurisdictions at the time of the ILCCH program. The Solicitor's Office for the Fifth Judicial Circuit, resonsible for the prosecution of all criminal cases in the county with penalties in excess of 30 days, passed all cases to the Grand Jury for indictment with no prior review. Although no formal procedures or guidelines were developed, the screening of selected cases in the

Solicitor's Office began in February 1976. The major goal of the one-man screening unit was to improve the quality of cases prosecuted by the office. This individual could: (a) send cases to the Grand Jury for indictment, (b) dismiss them, (c) return them for reinvestigation, or (d) direct them to the Pretrial Intervention Program. By returning cases for reinvestigation and working to develop an understanding with the police regarding necessary case information, the case screener helped improve the quality of police reports and findings transmitted to the Solicitor's Office.

During a 14-month period, 50 percent of all cases screened were sent to the Grand Jury without reinvestigation. In all, 33 percent of all cases were eventually dismissed or diverted. Comparisons of baseline period statistics with those of the screening period indicated that the reduction in case backlog increased by 46.5 percent. Similar comparisons indicated a 7 percent decrease in cases disposed by nolle prosequi and a 12 percent increase in pleas to the original charge.

The screening component, now institutionalized in the Solicitor's Office, brought charging decisions under the Solicitor's control and allowed better management of the case flow. A major accomplishment of the screening unit was that it focused attention to the delays brought about by magistrates failing to forward warrants to the Solicitor's Office in a timely fashion. In January 1977, the Chief Justice of the State ordered magistrates to forward warrants to the Solicitor's Office within 15 days of issuance. Additionally, the screening unit brought about greater understanding amongst police and prosecutor of their respective functions. This component was easily one of the most significant in the ILCCH program.

In both Kalamazoo and Columbia, the screening component brought about improvements in the understanding and exercise of prosecutorial discretion in the charging process. In Columbia, these improvements were dramatic, while in Kalamazoo the screening subcommittee improved existing activities. The Columbia screening component was notable for its improvements in understanding between police and prosecutor, regarding case preparation and evidentiary requirements. Both Wilmington and Las Vegas seemed to accord misdemeanor screening a low priority in general. In Las Vegas this is probably somewhat a function of the large caseloads and the high volume of serious felonies handled by the District Attorney's Office. The District Attorney's Office in Las Vegas has assumed charging responsibility for misdemeanors and this shift (from police) should bring greater consistency to the process and reduce problems related to recharging.

The effective implementation and operation of a screening function in New Castle County may have been hampered by targeting three distinct courts--the Magistrate's Courts, the CCP, and the Wilmington Municipal Court--all with differeing procedures and needs. Interestingly enough, none of the sites used or developed a misdemeanor charging manual for prosecutors. In Las Vegas, Kalamazoo, and Columbia, implicit policies of the prosecuting agency and the general criteria of legal sufficiency probably rendered these manuals of low significance, especially for misdemeanors. There were also no cases in which data from screening was used for pretrial or presentence investigations.

The ILCCH experience with the screening component suggests that the complexities of the screening process and the variance in procedures, policies, and responsibilities from jurisdiction to jurisdiction are so great that screening must be exhaustively examined as a process with system-wide impacts as a first step in implementation.

Only in Kalamazoo did this take place. The specification of new screening units or charging manuals in some sites took place without careful analysis of the screening process and the purposes it would serve, especially in the lower courts. Given the presence of a number of prosecutorial agencies conducting screening, the use of a common warrant request form (as in Kalamazoo) is a particularly useful method of collecting interjurisdictional data on the screening process for use in identifying problems in the process. When no screening exists, as in Columbia and Wilmington, the implementation of screening should be coordinated with police and courts so that the purposes of the activities and the procedures have the consensus necessary to insure efficient and cooperative operations. In Columbia, this coordination took place; in Wilmington, it did not.

6.0 PROMIS

6.1 The Component Concept

The Prosecutor's Management Information System (PROMIS) was initially planned and developed in 1969 by the U.S. Attorney's Office and the District of Columbia Crime Analysis Office in response to increasing concerns over the inability of the Office to effectively manage the thousands of cases referred for prosecution. With a grant from the Law Enforcement Assistance Administration, PROMIS was developed to serve as a primary source of case status information and management support data. Although it was initially developed as a computer-based system, non-automated and semi-automated versions have been developed. Currently over 30 jurisdictions have implemented or are in the process of implementing PROMIS.

Implementing either version entails the adoption and completion of numerous reporting forms which are designed to record data necessary for the development of office management reports, research data, case calendars, witness lists, and subpoenas. Additionally, data entered into the system may be accessed to provide answers to specific questions about individual cases and/or defendants such as the date set for trial, names and addresses of relevant witnesses, current progress through the criminal justice system, priority prosecution and the like. Thus, PROMIS is a tool which may be used to increase the overall operating efficiency of a prosecutor's office by standardizing and unifying case information and by providing rapid access to categories of information relevant to the conduct of major office functions.

As with case screening, PROMIS was seen as one of the critical elements of the ILCCH program because it clearly was designed to address problems of case management and prioritization. As with screening, other agencies would benefit and other criminal justice

functions could be improved through the application of the information capabilities of PROMIS. The courts, police, and witnesses would all benefit from the prosecutor's improved ability to schedule cases, to remove logistical impediments to adjudication, and to notify all participants of case status. PROMIS would allow the prosecutor to identify for priority prosecution the most serious cases and would alert the prosecutor (and bail and pretrial agencies) when a defendant has cases pending against him.

Additionally, the prosecutor would be able to monitor and enforce the application of prosecutional policy by examining the decisions made by prosecuting attorneys throughout case processing. In this way consistency and evenhandedness could be brought to the discretionary behavior of the prosecutor. Finally, PROMIS would allow the collection, aggregation, and analysis of a wide range of data regarding prosecutorial operations.

6.2 The Experience of the Four Sites

The planning, implementation and operation of PROMIS (or some version of it) proved to be the most challenging, complex, and time-consuming process for the four sites within the ILCCH program. Table V summarizes the four sites' experiences with PROMIS. Of the four sites, only Las Vegas has pursued the implementation of a fully automated PROMIS. The other sites have involved themselves in either semi-automated or manual systems, with varying degrees of similarity to PROMIS procedures and forms.

Wilmington and Columbia began the ILCCH program with extremely tentative plans regarding the implementation of PROMIS. In Wilmington, it was determined that efforts should be addressed towards analyzing the Attorney General's entire case processing operation. After an increased understanding of the PROMIS concept within the Attorney

TABLE V

PROMIS - FOUR SITE SUMMARY

	KALAMAZOO	WILMINGTON	LAS VEGAS	COLUMBIA
PRE-ILCCH STATUS	PROMIS being planned for felony cases in County Prosecutor's Office.	Substandard case-tracking and record-keeping in State Attorney General's Office.	PROMIS being planned in District Attorney's Office since 1975.	A manual file system in Solicitor's Office.
IMPLEMENTATION	Full implementation in Aug. - Sept. 1977; witness notification system, witness coordinator, and new case forms implemented Jan. - March 1976.	March 1977 - New case tracking system and administrative reorganization in Attorney General's Office.	Full implementation in Aug. - Sept. 1977.	Feb. 1977 - A new manual system in operation in Solicitor's Office.
USE	Witness notification system used for all District Court files; completed semi-automated PROMIS will handle all cases in County Prosecutor's Office.	New system applies to all felonies; further PROMIS-related activities continue.	When implemented, PROMIS will handle all cases in District Attorney's Office.	All cases in Solicitor's Office.
INSTITUTIONALIZATION	Yes - will be funded locally.	Yes - all changes are part of Attorney General's Office.	Yes - will be sole information system for District Attorney's Office.	Yes - will continue to operate as sole information system.
OTHER COMMENTS	Semi-automated system has word-processing capability.		Delays in implementation due to technical redesign of PROMIS program.	Computerization of manual system is anticipated in future.

General's office had been achieved, PROMIS was seen as a means for revamping the criminal division of this office, despite the fact that the criminal division dealt exclusively with felonies. After a preliminary study by ILCCH staff, an RFP was let in May 1976 for a study to examine case flow operations, procedures, and forms in order to develop recommendations for new forms in the PROMIS mold and procedures.

In December 1976, the contractor's assessment was presented to the State Attorney General. The report documented a range of inefficiencies in case processing procedures and forms, and provided recommendations. In January 1977, the Attorney General approved a series of proposals for reorganization of the criminal division. The major proposal involved the implementation of a new card tracking system which made use of a number of PROMIS features. Implementation of the new system was completed in April 1977. At the end of the ILCCH program, revamping of procedures in the Attorney General's Office continued. Although PROMIS was not implemented as such, it led to the management-oriented review of the existing system and a variety of improvements which should reduce inefficiencies in cases handled by the criminal division. At the same time, it is important to recognize that these improvements have little to do with improving the handling of lower-court cases.

In Columbia, PROMIS plans entailed the development of a manual system that would be compatible with future automation. A major problem which developed involved the adoption of common incident and booking reports from police agencies so that uniform inputs to the manual system would be feasible. Strained relationships between the Solicitor's Office and the Sheriff's Office eventually necessitated using arrest data from the detention center and pretrial project as initial data for PROMIS. In truth, the rather simplified,

manual system planned had such limited capabilities that it could offer little or nothing to outside agencies. In the Spring of 1976, information on existing case jackets was copied onto adopted PROMIS forms and the transition to the new system began. In February 1977, this new manual system became the sole information source for the Solicitor's Office. The system, consisting of card files, is basically used for interoffice management and for case tracking. The system's major advantage is that it provides information on cases from arrest, through warrant receipt, indictment, and disposition. The Solicitor's Office has received approval for monies from the state for computer hardware to automate the system and to tie it in with record systems maintained by the state police and correctional agencies.

Both Las Vegas and Kalamazoo had committed themselves to the development of PROMIS before the ILCCH program and, thus, ILCCH funds would provide a needed boost to efforts already underway. Immediately following grant approval, the County Prosecutor's Office in Kalamazoo decided to implement a semi-automated system which would adopt some PROMIS features, while the City Attorney's Office would adopt a manual system compatible with the County Prosecutor's system. The decision to go with a more limited, semi-automated version of PROMIS was conditioned by economic considerations and the specific need of the office for a word processing capability with regard to witness notification and subpoena preparation. In June 1976, information processing equipment was purchased which immediately provided the needed word processing capability in addition to having the data capabilities needed for the management system. By March 1977, technical design and debugging of the "in-house" PROMIS program were completed and case entry began. The process of case entry was not completed and full operation of the new system had not yet begun as of August 1977.

In addition to the development of a new information system, analyses undertaken as part of PROMIS drew attention to a number of problems regarding witness notification. It was decided that, as part of PROMIS, witness management problems would be addressed and, subsequently, there have been a number of initiatives which have improved witness handling in Kalamazoo. Most significantly, a new adjournment notification system began in March 1977 which has resulted in substantial savings in citizen's time and witness payments. Although implementation of the semi-automated system has been extremely slow and the effects of the new system are still not evaluable, the process of implementation has been beneficial in a number of respects--new forms and procedures have been developed which should prove more efficient; the flow of information and linkages between City Attorney, County Prosecutor, and the courts have been improved; and significant improvements in witness management have been made.

Las Vegas had already conducted a number of PROMIS planning studies prior to the ILCCH program. The proposed system would be a fully-automated, on-line, real time system using the county's IMB 370 computer and would provide all of the capabilities of the prescribed PROMIS. Due to growing misdemeanor and felony caseloads in the District Attorney's Office, numerous problems had arisen, including the lack of a formal case evaluation system for use in screening and prioritizing cases; the lengthy clerical time involved in calendar preparation, and the generation of subpoenas and witness lists; the lack of an ability to determine which defendants have pending cases; and the inability to provide police with case disposition data for entry in their criminal history files. It was anticipated that PROMIS would address all of these problems and needs.

By July 1976, the necessary PROMIS hardware had been purchased and installed in the District Attorney's Office. The technical redesign of the PROMIS program proved to be a lengthy process and was not completed until the Winter of 1977. Since then testing and debugging has begun in a variety of modes. Full implementation was not complete as of August 1977. When completed, the development and implementation of PROMIS will have taken well over two years. While ILCCH funding provided the impetus for PROMIS development, it is clear that as yet there have been no improvements in misdemeanor case handling as a result of PROMIS activities.

The assessment of the meaning and impact of PROMIS for the four sites is somewhat difficult because of the lengthy implementation period and the nature of management information systems themselves. There is no doubt that the planning and implementation of PROMIS was a particularly valuable exercise in Kalamazoo and Wilmington. The Delaware Attorney General's Office and the Kalamazoo County Prosecutor's Office have carefully analyzed existing case tracking procedures and forms and have already implemented specific improvements in some cases. All four sites have almost completed full implementation of some kind of new information system although these systems vary from the rather simple manual system of Columbia to the fully automated system in Las Vegas. In no case, was there a sufficient operational period to see if these systems and their capabilities were improving the management of prosecutorial operations per se. It seems likely, however, that they should and will.

At the same time, the inclusion of PROMIS as an element in a program designed to demonstrate, in a short period, techniques for improving the handling of lower-court cases is puzzling. Given the rapid start-up periods, it was obvious that the analysis, planning, and implementation of a new information system would necessarily

take <u>at least</u> one year. In truth, it has taken well over a year in all sites. Thus, there could be no real demonstration (or evaluation) of the impact of these systems.

Second, PROMIS, although not restricted to felony case processing, generally finds its most significant applications in large prosecutor offices where felonies and the tracking and prosecution of felony cases are the priority. Thus, although the ILCCH program has provided the impetus for these management system developments in all four sites, their development and implementation did little to improve misdemeanor case handling during the program period. Additionally, it is hard to understand how there might have been realistic expectations to the contrary at the outset of the program. Since case screening and PROMIS, in operation together, were the "heart" of the ILCCH program, there was little possibility of effective demonstration of their impact on lower court case processing during the program period.

There is no doubt that PROMIS did not lead to rapid improvements in case handling during the ILCCH grant period. However, all four jurisdictions have made changes in their information systems that can lead to long-term and broad improvements in case tracking and management. All of the changes made <u>will</u> provide more complete information on cases and their progress through the system than in the past. Additionally, the development of PROMIS in prosecutor offices has generally led to an examination and understanding of related case handling processes and, in some cases, improvements were made. The fact most relevant to the development of a new information system was recognized in all sites--analysis of current systems and of the office's needs should dictate the type of system developed. In all cases, the sites developed systems with the complexity and capabilities needed in their prosecutor's offices.

7.0 SHORT FORM PRESENTENCE INVESTIGATION REPORTS

7.1 The Component Concept

The model for the short form PSI report component was the Bronx Sentencing Project.[23] This project was an experiment with short form PSI reports for adult misdemeanants in the Bronx Criminal Court. Because a sentence of probation was only possible (under New York law) if a PSI report was filed and because of the time required to complete these reports, only about 20 percent of all misdemeanants received PSI reports and, thus, were eligible for probation. The Bronx project developed a form which contained the information most relevant to judges in sentencing and which could be completed in a short amount of time. Because of this form, more PSI's were completed and more misdemeanants received probation.

The short form presentence report can result in improved service to the courts and to the offender by making available that information most salient to sentencing decisions. Because much of the information gathered in pretrial release investigations is relevant to sentencing, it was thought that information-sharing between these two components would be possible in the ILCCH program. The shorter form would also save probation officers time required for completion and would save judges the time required to read and evaluate the information. Finally, these reports should promote more informed sentencing by judges, including the consideration of the full range of sentencing options, one of which was to be the select offender probation (SOP) component (described in Section 8.0 below).

Thus, the short form PSI report was seen as both a more economical alternative to traditional PSI reports (many of which contained lengthy narratives related to childhood problems, attitudes, personality traits, etc.) and as a means of encouraging the completion of more reports in the service of better sentencing.

7.2 The Experience of the Four Sites

In many respects, less was accomplished in terms of the short form PSI report component than with any others in the ILCCH program. In no case was there a new form developed along the lines of the model form of the Bronx project. The experience of the four sites (summarized in Table VI) mostly reflected the low need for a new report in the sites.

Only in Las Vegas, where misdemeanant probation is not a legal option and where there is no probation department to conduct PSI's for misdemeanants, did the ILCCH program result in a short form report for use by judges in sentencing. The PSI component was part of the court counseling (CC) project, a deferred sentencing option developed as part of the ILCCH program there in lieu of select offender probation (see Section 8.2, p. 62).

In September 1975, a PSI form was developed in Las Vegas for use by judges before and after the deferred sentencing of misdemeanants. Essentially the form was a short, one-page narrative-type report. During a twelve-month period, reports were completed (at the request of a judge) on 84 individuals in order to assist judges in deciding whether to assign the individual to the CC project and, thus, to defer sentencing for three or six months. Additionally, a report was completed on all clients (over 500 in twelve months) at the completion of their assignment to the CC project in order to assist judges in making a final sentence. The recommendations in these reports were almost always followed by the judges. There is no doubt that these reports, in conjunction with the CC program, have been accepted and used by the judges in Las Vegas' lower courts. Because the CC program has become self-sufficient, both the sentencing option and the PSI reports will remain available to judges in Las Vegas.

TABLE VI

SHORT FORM PRESENTENCE INVESTIGATION REPORT - FOUR SITE SUMMARY

	KALAMAZOO	WILMINGTON	LAS VEGAS	COLUMBIA
PRE-ILCCH STATUS	Not required; existing short form used in 10 - 25% of misdemeanor cases.	Short form PSI's performed for some cases; rapid access to criminal history data was problem.	No PSI's of misdemeanants conducted; no misdemeanant probation allowed by state law.	Infrequently used.
IMPLEMENTATION	Development and implementation of new short form attempted but not achieved.	ILCCH funds used to purchase two computer terminals for rapid access to crime data; terminals operational in January 1977.	September 1975; developed a one-page, narrative PSI report for use before and after deferred sentencing as part of CC program.	ILCCH monies used to print new form already developed by local PPPB.
USE	Same as pre-ILCCH status.	Terminals used to get data for pretrial and presentence investigations; use is substantial.	Twelve-month period: 84 PSI reports before deferred sentencing; PSI reports completed on all CC clients after deferred sentence (N > 500).	Infrequent.
INSTITUTIONALIZATION	None.	Computer terminals will be maintained.	The CC Program has become financially self-sufficient and should remain a misdemeanant sentencing alternative.	None.
OTHER COMMENTS	New form was a low priority with judges.			There was no attempt to work with judiciary or corrections on the use of PSI's.

In Columbia, the PSI component was to be used to develop a new short form report. However, because the local branch of the Probation, Parole, and Pardon Board (PPPB) had already developed a standardized PSI form patterned after the one employed by the state PPPB, it was decided that component funds would be used to print this form. After printing, no efforts were expended to achieve utilization of this form by judges. PSI's had been used infrequently in the past partly because of low judicial interest and partly because the workloads of the PPPB did not allow high utilization. Thus, with no efforts expended by the Solicitor's Office on behalf of the new form (because of the Solicitor's lack of interest), there has been no change in the use of PSI reports in Columbia. Proper analysis prior to component development might have indicated that some resources should have been directed towards informing judges of the purposes and availability of PSI reports and expanding the capability of the PPPB to execute them.

In Wilmington, an analysis conducted by the MCC revealed that the presentence units of the Department of Corrections were already using a short form and that the staffing of these units was adequate. A major problem in the execution of PSI reports was the lengthy delay (over a week) resulting from the request for criminal history data from state files. For this reason PSI reports were only performed for serious misdemeanants; other offenders were sentenced by judges without verified information. ILCCH funds, therefore, were used to rent two computer terminals to provide the courts with rapid access to criminal history data. Because of the late installation of the equipment (January 1977) and the early departure of the MCC, there was no formal data collected on use of the terminals. Information collected from presentence investigators indicated heavy usage of the terminals, however, and this usage should be related to more PSI reports and the availability of more verified information for sentencing.

Kalamazoo, like Columbia, accomplished nothing with respect to PSI reports. Unlike Columbia, however, considerable effort--involving the MCC, the local probation department staff, the local evaluators, and judges--was expended over an 18-month period to try to develop a county-wide, short form PSI report. The final failure to develop a new report reflected a "lukewarm" attitude by the judiciary, a series of problems (including turnover and internal disputes) in the probation department, and the misguided and alienating efforts of the local evaluators. In this case, the involvement of all relevant and interest parties--the modus operandi of component development in the ILCCH program in Kalamazoo--may have rendered the necessary consensus a small possibility at best.

In many ways, the short form PSI component may have been a poor selection for inclusion in the ILCCH program. Almost any court with misdemeanor probation available as a sentencing option has the capability of executing presentence reports (usually conducted by the local probation staff). Without the kind of critical need for these reports, such as that manifested in the Bronx Criminal Court, they are typically performed in cases where a jail sentence is a possibility.

In the ILCCH program, there was no real dissatisfaction on the part of the judiciary with existing procedures and forms, except in Las Vegas where misdemeanant probation was not a legal option and where there were thus no forms or procedures. Without an initiative on the part of the judiciary, the development of new forms and/or expanded use of PSI reports is not likely to occur. Additionally, there were no cases where information from screening, PROMIS, or pretrial investigations was used by presentence investigators. In fact, the only real information exchange amongst these components

was the use of pretrial information by the screening unit in Columbia, an unanticipated but necessary interaction.

The development and use of new PSI reports is necessarily predicated on the needs and interests of the judiciary. Where there were no reports (as in Las Vegas), the judiciary showed a strong desire to have PSI reports and a willingness to use them to guide the sentencing process. In other cases, the judiciary may not be persuaded of the usefulness of PSI information (as in Columbia) or there may be a small capability for performing them (also, as in Columbia). In situations of this nature, the nature of the form is less critical than the demonstration of the value of PSI information and the development of a capability for conducting PSI's.

8.0 SELECTED OFFENDER PROBATION

8.1 The Component Concept

The selected offender probation (SOP) component was an attempt to extend the ILCCH program to the final phase of court processing, sentencing, and to the final component of the criminal justice system, corrections. SOP was to offer judges another sentencing alternative, one less drastic than incarceration but more stringent than the standard, unsupervised probation.

A key element of the component was the identification and assignment of misdemeanants in need of intensive supervision to SOP which was intended to maintain caseloads much smaller than those typically found in probation units (e.g., 30 clients per officer as opposed to 100 or 150 clients per officer). In order to augment supervisory resources, it was recommended that the SOP component make use of volunteer counselors who can work on a one-to-one basis with probationers. Although the SOP component did not specify any particular treatment approach, individual and group counseling (made possible by the small caseloads) are usually the basis of intensive supervision.

Although SOP, with its low caseloads, was not a particularly cost/effective method of providing probation, it was felt that the necessary increases in probation staff would be offset by two factors--the system savings resulting from the lower recidivism rates of clients assigned to SOP and the manpower savings resulting from the sharing of information among pretrial release and presentence investigations, and probation.

8.2 The Experience of the Four Sites

In two of the four sites--Wilmington and Columbia--the SOP component never really assumed the features of a special probation project, that is, neither the clientele nor the supervision process

differed from traditional probation. In Kalamazoo, SOP did result in an intensive treatment program for "high risk" misdemeanants. Because probation is not a legal alternative in Nevada, the SOP component there took the shape of a deferred sentencing program for "low risk" misdemeanants. The experiences of the four sites are summarized in Table VII.

In Columbia, the SOP component (like the pretrial program) was located in the Solicitor's Office and run by the MCC rather than being integrated in (or even coordinated with) the local Probation, Parole, and Pardon Board (PPPB). Because the program was not explained to local judges, referrals were slow and no understanding of the specific purposes of "special probation" was achieved. Referrals were made to SOP in the absence of any criteria and, thus, SOP clients did not significantly differ from clients assigned to the PPPB.

From the beginning the program had major management problems, based in some part on leadership ambiguously shared by the Solicitor's Office and the project director of SOP (the director was eventually terminated), which resulted in disjoint operations. A volunteer component was attempted, but because of administrative problems, was never effectively implemented. The supervision offered was minimal. In November 1976, a decision was made to terminate the SOP component so that remaining funds could be reallocated to the "more successful" components. Most of the 63 clients assigned to the program were transferred to the PPPB. The SOP component's failure resulted from a lack of communication of its special purposes to judges; from a failure to integrate the component within the existing probation agency; from the failure to develop specific selection criteria and guidelines for supervision; and, finally, above all, from poor management.

TABLE VII

SELECTED OFFENDER PROBATION - FOUR SITE SUMMARY

	KALAMAZOO	WILMINGTON	LAS VEGAS	COLUMBIA
PRE-ILCCH STATUS	Misdemeanant probation provided by Probation Departments staffing each court.	Misdemeanant probation provided by DAC; caseloads mixed w/ felons.	Misdemeanant probation not a legal option in Nevada.	Regular probation available through local PPPB.
IMPLEMENTATION	April 1976: SOP developed and implemented for District Court 9-1.	July 1976: 2 PO's hired to provide intensive supervision to misdemeanants only.	August 1975: Court Counseling (CC) Program began as deferred sentencing option employing 2 counselors and volunteers.	Feb. 1976: SOP operated out of Solicitor's Office.
USE	Supervised about 33 clients for 12 months using special treatment methods.	Supervised about 60 clients; no evidence of intensive supervision, however.	For twelve-month period, 537 individuals assigned to CC for 3 or 6-month period.	Received 63 clients during 11 months of operation.
INSTITUTIONALIZATION	Yes. SOP refunded with LEAA block funds.	No.	Yes. CC program now self-sufficient, operating on a fee-for-service basis.	No.
OTHER COMMENTS		Few misdemeanants incarcerated, thus, SOP was not an alternative to incarceration.	Program found wide use in lower courts because of a lack of diversion/sentencing alternatives.	As a result of program restructuring, SOP ended in January 1977.

In Wilmington, the SOP component encountered immediate problems because of a lack of interest on the part of the Department of Corrections (DAC). The plan to develop a special misdemeanant probation unit (staffed by two officers) was not well received because the DAC was not persuaded of the viability of intensive supervision as an approach and because the hiring of two officers on federal funds meant that state funds would be necessary for continued operations after ILCCH funds ran out. Eventually two probation officers were hired and "loaned" to the DAC in order to create a special probation unit for misdemeanants; 60 clients were assigned from DAC caseloads.

Again, the SOP component never developed any special criteria for client selection; there was no conception of what was to be different about SOP and the supervision offered was not different from traditional, "unsupervised" probation. The component was never effectively managed; in fact, one of the officers was terminated for "indiscretion." In the end, the DAC reported that the SOP unit had a negative impact on DAC operations because of its poor performance and New Castle County did not refund the project.

Only Kalamazoo was able to develop an SOP component which developed and applied criteria for client selection and offered a special treatment program. The SOP component was directed by one counselor and worked in conjunction with the probation department for District Court 9-1. After applying criteria (related to prior record, current offense employment, etc.), presentence investigators would assign each misdemeanant a numerical score indicating his "risk factor." If an individual fell in the predetermined "high risk" range, the SOP officer would conduct an interview to determine final eligibility and a recommendation would be made to the judge regarding assignment to the program.

As of May 1977, 33 offenders had been assigned to the SOP program. The treatment approach adopted by the program was known as "the human resource development technique" and was designed to develop a variety of skills through intensive counseling and individual goal setting. Recidivism data, limited however to a six-month treatment period, indicated that there were significant reductions in the frequency of offenses of clients in comparison to baseline data. The SOP component was heavily supported by local judges (who followed all recommendations for client assignment) and by the Coordinating Council. The decision to refund the SOP program occurred because the program was needed, had established a unique function as a special probation alternative, and because it was able to bring evidence of its effectiveness.

Because probation cannot be granted to misdemeanants in Nevada, the Las Vegas SOP component was developed as a deferred sentencing project called court counseling (CC). The CC program, which developed and utilized a volunteer component, was a community-based program offering individual and group counseling and referral to other social agencies. Misdemeanants were assigned to the program for three or six months, while sentencing was deferred. At the end of this period, clients would return to court and would be sentenced, usually in accordance with the presentence recommendation of the CC program.

Because judges only had jail terms or fines as sentencing alternatives (and jail was rarely employed), the CC program offered a significant sentencing alternative for judges in the lower courts. During a 12-month period, the program was assigned 537 clients. The deferred sentence allowed the courts to offer assistance to misdemeanants and, at the same time, to suspend sentencing until a more informed decision could be made. As ILCCH funding ran out, the CC program instituted a fee-for-service system, which, along with the program's support by the courts, assures continuance of court counseling in Las Vegas.

In Columbia and Wilmington, the failure to develop and effectively operate a probation component along the lines of the SOP concept was a reflection of the lack of planning and analysis conducted in those sites during grant preparation. Local correctional agencies were not involved; their interests and needs were not solicited; and the SOP concept was not "sold" to the courts. In addition to operating as projects separate from corrections agencies, neither SOP project ever developed criteria for client selection or offered any type of special or intensive supervision. Finally, inadequate management and personnel selection rendered both projects operationally disjoint and ineffective. Nor surprisingly, neither project was institutionalized.

In contrast, the components in Kalamazoo and Las Vegas were carefully shaped to serve the needs of the courts and, in Kalamazoo, to augment existing services in the probation department. Both components developed client criteria which reinforced the special nature of their services. In Las Vegas, clients were mostly first-time misdemeanor offenders, while in Kalamazoo they were "high risk" misdemeanants. In both sites, the components were tied to presentence investigations for client selection and for final sentencing.

Given the way the CC program evolved in Las Vegas, it might have been more effective to have designated the SOP component (at the ILCCH program's national-level initiation) as <u>any</u> kind of special probation or diversion alternative that could be fitted to the special needs of the local courts. This would have allowed more flexibility in the design of the component. The intensive supervision prescribed by the component was not a new idea and correctional agencies in Wilmington and Columbia were not enamored either with the concept or with the labor-intensive nature of special probation. A more

open-ended approach to this component could have resulted more generally in the kind of useful appropriate and self-sufficient program developed in Las Vegas.

The SOP components in Las Vegas and Kalamazoo were institutionalized because they served the judiciary and were coordinated with (or at least did not affect or upset) existing probation activities. The specific development of an intensive supervision project should be dictated, however, by the need for special probation by some specified group of clients; this only occurred in Kalamazoo where client selection criteria were developed. It is likely that, given the size of the misdemeanant population and the nature of their offenses, that programs (like CC in Las Vegas) which can offer diversion, deferred sentencing, referral or other services on a large scale would be more useful to the lower courts.

9.0 THE MASS CASE COORDINATOR

9.1 The Component Concept

Because the ILCCH program was to require the involvement and cooperation of all criminal justice agencies and because the program was also inter-jurisdictional, the MCC position was formulated. This individual was to develop the cooperation and coordination necessary to insure efficient and effective component development and implementation. The MCC was necessarily to be a liaison between agencies and jurisdictions and was to assume, when relevant, the roles of system-wide planner, project director, and trouble-shooter. The actual agency affiliation of the MCC, his specific base of power, and his responsibilities were left unspecified; they were to be developed in accord with the nature of the local criminal justice system, its needs, and its ILCCH program.

9.2 The Experience of the Four Sites

There is no doubt that Kalamazoo was the only site that pursued and achieved the kind of MCC role and coordinating mechanisms deemed essential to the effective implementation of the ILCCH program. It was obvious early in the program that the other sites either had no conception of how to achieve an effective MCC role and/or had no intention of creating one. Instead an individual was hired, given the MCC position, and assigned varied and often ambiguous duties and powers. The difference between Kalamazoo and the other sites is clearly reflected by the failure of the other sites to maintain an operating advisory or coordinating group to support the MCC, even though all sites originally developed such a group.

In Kalamazoo, the key to the creation of a viable MCC role was the establishment of an interested and committed Coordinating Council consisting of members of all criminal justice agencies likely to be

affected by the proposed components. Component design and implementation was the function of working subcommittees of Council members, a situation which--in and of itself--promoted interagency communication and cooperation. The Council served as a policy and review board, examining and providing direction for the work of the subcommittees and of the MCC. The Council delineated specific responsibilities to the MCC and provided broad agency support for his work.

The Council's regular meetings provided a continuous forum for discussions of component plans, progress made in component implementation, and of a range of other lower court issues not strictly within the province of the ILCCH program. Some of the problems and issues dealt with by the Council, in addition to specific ILCCH-related matters, included:

- the establishment of policies for transporting intoxicated persons to the detoxification center;
- the expansion of the use of citations to the Kalamazoo County Park Commission;
- the consideration of centralizing probation services for the county; and
- the possibility of establishing a uniform, county-wide, arraignment time.

The Council, thus, became a mechanism for airing the concerns and interests of a wide range of agencies and, while problems were not always resolved and components (summons and PSI reports) were not always implemented, participants became aware of the needs, motives and perceptions of other agencies and, at least, the reasons why things were not accomplished became clear.

The MCC in Kalamazoo was responsible for implementing the policies and plans of the Council and its subcommittees by working with the relevant agencies and personnel, establishing schedules, and monitoring project accomplishments. He brought problems to the attention of the Council and raised a number of important issues regarding misdemeanor

handling that were not strictly a part of the program. For instance, his examination of witness notification procedures led to recommendation to the Council, and eventual adoption, of new procedures and the hiring of a witness coordinator. In all, the MCC's performance in Kalamazoo was characterized by skill, enthusiasm, leadership, and determination. Although all of these attributes are unquestionably personal, the favorable situation in Kalamazoo, with regard to the MCC role, was largely responsible for the ability to operationalize and make effective use of these qualities in the ILCCH program context.

In effect, the quality of the MCC role and function in Kalamazoo cannot be separated from the operation of a committed and interested Coordinating Council. Ultimately, they provided the support necessary to make the MCC role viable. It should be noted that the interagency approach favored in Kalamazoo and the goal of consensus and uniformity across county agencies partially resulted in two components, summons and short form reports, not being implemented at all. Thus, the MCC did not always encounter unwavering support for the component concepts, but did actively solicit interest in the concepts and attempt to achieve agreement.

A MCC role never developed in Las Vegas largely because program plans there (outlined in the grant application) delegated responsibility for component development, implementation, and operation to specific agencies or individuals. There was no interaction specified between components, interagency coordination was rarely required and, thus, the MCC was to do little but administer the program. The MCC's professional background, devoid of either general criminal justice experience or specific experience in Clark County, reinforced his limited role.

It is not surprising that the proposed coordinating council disintegrated early, that there was little awareness of an ILCCH "program" in the local system, and that almost no coordination took place. Instead, the Las Vegas ILCCH program was essentially a set of components, some of which, however, were notably successful.

In Columbia the MCC role evolved with no clear delineation of power or responsibilities from the Solicitor's Office. At least partly for this reason, and because of the lack of energy and determination in the MCC role and function which such a situation reinforced or may even have created, little was achieved in Columbia in terms of inter-agency or inter-component coordination. Most of the local criminal justice system was never involved in the program--the courts were largely unaware of SOP and pretrial release and the operation of these components by the Solicitor's Office did little to integrate the components within the relevant agencies. The affiliation of the program with the Solicitor's Office and the lack of meaningful efforts by the MCC seemed to exacerbate existing tensions between agencies rather than create any new sense of cooperation.

The MCC role was terminated in November 1976 and remaining funds were shifted to more successful components. With the exception of linkages established by the case screener with the police, the ILCCH program never went beyond the Solicitor's Office where it suffered from insulation, lack of attention, and inadequate drive and determination on the part of the MCC. It is not surprising that the only two components to survive were those most related to the operations of the Solicitor's Office: PROMIS and case screening.

Because almost no pre-program planning had been carried out in Wilmington, because agency interest and commitment were not great, and because the established coordinating committee disbanded almost

immediately, the MCC was literally "stuck" with the ILCCH program in New Castle County. If the MCC role in Columbia was unclear, in Wilmington the role was exhaustive--the MCC was to solicit interest in the components; plan, design, implement, and (in some cases) manage the components; and, of course, develop interagency coordination so that the components could become a program. Representative of the lack of interest or concern for the program was the fact that it took the MCC a number of months to even find an agency for administrative placement of his position and so that he could hire personnel.

Without the active support of a council or agency, the ILCCH program in New Castle County became nothing more than a series of uncoordinated efforts by the MCC to develop, implement, and operate components in the face of varying degrees of agency disinterest. Although most components were implemented in some fashion, their operations were often confused, partly because of a lack of attention brought about by the MCC's decision to depart from the program early. This decision reflected his own frustrations with his role and the knowledge that most components would not survive beyond the grant period no matter what transpired operationally.

Although the MCC position did not develop into an effective coordinating mechanism for encouraging inter-agency and inter-jurisdictional cooperation in three of the sites, the Kalamazoo experience underlined the viability of the concept, given conditions conducive to the role. These conditions were primarily a local understanding of the role and its purposes; a commitment to these purposes within the criminal justice community; and the operation of a council (representative of criminal justice agencies) that could provide direction and support for the role (see Section 11.1 below). In

their absence, the MCC role in the other sites evolved without either direction (Columbia), support (Wilmington), or substantive responsibility (Las Vegas).

10.0 PROGRAM SUMMARY

In order to provide a framework for summarizing the experience of the ILCCH program across the four sites, the national evaluation posed four questions, selected because they circumscribe the major goals and issues associated with the ILCCH program. These questions, mentioned earlier (see Section 1.4, p. 12) were:

- Can the criminal justice system, via the ILCCH program, offer processing alternatives which free system and social costs?
- Are the system benefits accrued through the use of processing alternatives linked to certain system and social costs?
- Can the criminal justice system, via the ILCCH program, utilize screening and information-gathering mechanisms which promote better resource allocation and positive system effects?
- Can the system implement a formal coordinating function which will insure system efficiency through the development of inter-agency communication and coordination?

10.1 Can the Criminal Justice System, Via the ILCCH Program, Offer Processing Alternatives Which Free System Resources?

Four of the ILCCH components--police citation, summons, pretrial release, and selected offender probation--were processing alternatives designed as strategies for dealing with misdemeanant offenders at various stages of the criminal justice process. Citation and summons were processing alternatives to the somewhat costly, traditional arrest procedures; pretrial release was an alternative to traditional detention and bail practices; and selected offender probation (SOP) would provide judges with a sentencing option in lieu of incarceration or unsupervised probation. By offering alternative, less drastic strategies for handling misdemeanant offenders, all four components could supposedly result in a variety of resource savings for the criminal justice system.

Of the 16 processing components to be implemented in the four sites, there were 13 cases where the alternative represented by the component did not already exist in the relevant lower court or jurisdiction. Citations and summons were already employed for misdemeanants in Las Vegas, and the lower courts of New Castle County already had formal pretrial services available for misdemeanants. In terms of the 13 opportunities for component implementation, then, there were 10 components implemented. Citations and summons were not attempted in Columbia because of state law, and summons failed to be implemented in Kalamazoo, despite intensive efforts, because existing, informal procedures were serving the same functions as summons.

Thus, for citation, summons, pretrial release and SOP, there were ten components implemented. Five of these components--citations, summons, and SOP in Wilmington and pretrial release and SOP in Columbia--were characterized by misconceptions and difficulties both in implementation and operation. These problems mostly reflected the lack of early planning and analysis in these sites and the failure to ever gain the commitment or involvement of local criminal justice agencies.

Operationally, only two of the ten components--pretrial release and court counseling (CC) in Las Vegas--received substantial use. Pretrial release interviewed around 3,654 arrestees in 13 months, resulting in the release of around 900 individuals; court counseling was assigned and provided services to over 537 clients in a 12-month period. Of all the ILCCH components, the pretrial release program in Las Vegas was the only one to result in substantial resource savings, a result of the fact that the program effected the release of 900 individuals, almost all indigents who would have remained in jail at least seven days if not for the availability of pretrial services.

Of the ten components implemented as processing alternatives, five were institutionalized. Three of these--citations and summons in Wilmington and citations in Kalamazoo--are procedural mechanisms that will continue to be employed by the police and courts although the extent of their use cannot be predicted. The other two institutionalized components--SOP in Kalamazoo and CC in Las Vegas--are sentencing options.

The four processing components (citation, summons, pretrial release, and SOP) did not find any simple or routine application as less costly alternatives to existing procedures, in the manner envisioned at the outset of the ILCCH program. This is apparent from the implementation and operational difficulties which beset some of the components, from the limited use and savings realized by most of the components, and from the fact that only five of the ten components implemented were institutionalized. If one criterion for program success was a lasting improvement in lower-court case handling, then these components, as a whole, contributed little towards success.

The problems with achieving the kind of benefits and savings targeted by these components were as complex and multiple as the criminal justice systems in which they arose. In some cases, like summons in Kalamazoo or pretrial release in Wilmington, a need simply did not exist. In other cases (mostly in Columbia and Wilmington), a range of administrative/management problems led to confusion over the nature and purposes of the component, agencies never accepted or were committed to the concept, and thus, the implementation and operation of the component were much less than ideal. Finally, a variety of restrictions prevented many components (even those efficiently implemented and operated) from achieving broad usage or substantial savings. At one extreme, state law in South Carolina prevented even the attempt at implementing citation and summons. More common,

however, were restrictions based on local policies which limited eligibility for the components (especially summons and citations) or which limited the operational nature of the components (e.g., the need to book individuals issued citations, or the need to hand-deliver summons). Finally, attempts to broaden the use or formalize the use of some components were often resisted because they either would have reduced the discretion of judges or would have reduced the workloads of certain agencies.

10.2 Are the System Benefits Accrued Through the Use of Processing Alternatives Linked to Certain System and Social Costs?

A corollary of the first question is the issue of potential costs that may accrue through the use of the four processing components described above. In other words, did the implementation and operation of ctiations, summons, pretrial release, and SOP result in negative outcomes or costs for the criminal justice system? Alternatively, did the issue of potential costs affect component implementation and operations?

One area of concern in the use of citation, summons, and pretrial release is the possibility of a high number of failure-to-appears (that is, individuals released on their promise to appear in court and who subsequently fail to appear). This concern, however, did not manifest itself in any of the four ILCCH sites with respect to citations and summons. There was no data from police or courts indicating that there were a significant numbers of failure-to-appears (FTA's) who had been issued citation or summons. Essentially, this is a result of the restricted eligibility for issuance of citations and summons and the exercise of police discretion; citations and summons were mostly used for the most trivial misdemeanors, for first-time offenders, and for local residents.

A more significant "cost" issue which did arise in the implementation of citations and summons in Wilmington and Kalamazoo was related to the collection of local criminal history data on offenders. In Wilmington, the use of citations and summons was hampered by State Police policy mandating booking and fingerprinting of all arrestees. Additionally, local police and courts felt that the use of these alternatives in lieu of arrest would impair the ability of police to build offender profiles, a function thought to be essential to police effectiveness. In Kalamazoo, a similar concern was voiced when attempts were made to implement summons.

Another cost issue related to the issuance of citations arose from evidence in Kalamazoo that arrests based on citable arrest opportunities increased by 50 percent during the period of citation use. In other words, there was some evidence that the availability of citations resulted in an increase in police intervention in situations where no action might have occurred in the past. Although there might be other causes for this increase in arrests, the Kalamazoo Police Department suggested that, indeed, citations may have been resulting in more arrests. Thus citations, while saving the police time and resources, may actually have resulted in more cases being brought into the lower courts.

Of the three pretrial release components implemented under the ILCCH program, the Las Vegas program suffered most--in fact, was terminated--as a result of questions related to the costs to the system and public of releasing defendants on their own recognizance. However, it is important to emphasize that the Las Vegas component departed from the ILCCH program concept by including felons in the eligible population of ROR candidates and that it was this departure which was largely responsible for the program's demise. Despite an extremely low FTA rate (under 2 percent), the issue of serious

offenders being released and committing offenses while free was forcefully exploited by opponents of the program. Because many felony defendants were released by the program and because some of them committed serious offenses while on release, the media were able to provide dramatic incidences of the public being victimized by the "revolving doors of justice" phenomenon. Despite the quality of the component, as shown by evaluation, it was terminated in the end, because there were few political benefits to be gained from supporting its refunding.

In Columbia, both the SOP and pretrial components suffered from the general unpopularity of the component concepts throughout the local criminal justice system, Fears about implementing a formal program of pretrial release or of selected offender probation were reflected in the informal nature of the programs. Judges were never informed of the programs; the components were operated out of the Solicitor's Office; informal judgments and unfocused management characterized their operation; and finally, both programs were terminated. It would appear that the prevailing philosophies in Columbia were simply not conducive to programs like pretrial release and SOP.

In summary, negative outcomes or costs of the type specified at the beginning of the program (failure-to-appears, rearrests, etc.) were not, with the exception of the Las Vegas pretrial program, major impediments to the implementation or operation of these components. Data on FTA rates and rearrest rates indicated that these outcomes were not very different from those of similar programs. More important were concerns of agencies such as the loss of criminal history data, budget reductions, and the procedural mechanisms needed for component implementation.

10.3 Can the Criminal Justice System, Via the ILCCH Program, Utilize Screening and Information-Gathering Mechanisms Which Promote Better Resource Allocation and Positive System Effects?

Three of the ILCCH components--case screening, PROMIS, and short form presentence investigation (PSI) reports--were designed to promote better resource allocation, better decision-making, and greater consistency in various decisions. Unlike the processing alternatives, these components involved the collection of information toward the development of policy such that various inefficiencies and inconsistencies could be reduced.

The assessment of the extent to which these components reached their goals is made difficult by the fact that two of the components (PROMIS and case screening) were not simply alternatives to existing procedures, but rather mechanisms that inevitably would have to be integrated into the prosecutor's office as a whole. Additionally, PROMIS required so much time for implementation that its effects on existing procedures and outcomes is impossible to assess at this time.

In contrast to the processing alternatives, the information-gathering mechanisms represented by PROMIS, case screening, and PSI reports were more likely to already exist in some form in the sites. Las Vegas and Kalamazoo already had formal screening units and had committed themselves to the development of PROMIS prior to the ILCCH program, and some type of short-form PSI report was in use in Kalamazoo, Wilmington, and Columbia.

Some activity occurred with respect to screening in Las Vegas, and PSI reports in Kalamazoo and Columbia, but there were no significant modifications or improvements in existing procedures. In Wilmington the speed with which PSI's could be completed was increased

by purchasing a computer terminal which provided rapid access to state files. In Kalamazoo where formal screening existed, a common warrant request and disposition form was developed for use by all prosecutorial agencies in the county. This form allowed the collection of comparable data on warrant authorization and denial for use by police and prosecutorial agencies. In addition, Kalamazoo developed a police charging manual at the end of the ILCCH program period.

Discounting the five cases discussed above then (because they did not constitute significant departure from pre-ILCCH procedures) there were seven situations--screening in Columbia, PROMIS in all four sites, and PSI's in Las Vegas--where the ILCCH components could be implemented as innovations within the local criminal justice system. In all cases, components have been (or are close to being) implemented. In all sites, the development and implementation of PROMIS and related changes in the prosecutors' offices have taken almost the entire grant period. Although it is anticipated that these new information systems and procedures will significantly improve the efficiency of prosecutorial operations, no evaluation was possible in most cases. In Kalamazoo, witness notification procedures were changed as part of PROMIS and data indicated meaningful resource savings as a result of this change. It should be noted again that PROMIS implementation targeted either all cases in the prosecutors' offices or only felonies (Delaware), meaning that the substantial resources allocated to this component are more likely to affect felony processing than misdemeanors or the lower courts.

The two most significant information-gathering components, in terms of use and impact during the ILCCH program, were the case screening component in Columbia and the presentence report in Las Vegas, which was part of the court counseling (CC) program. Case screening was introduced into the Solicitor's Office in Columbia

and, for the first time, cases were screened prior to indictment. In addition to improving the quality of case dispositions, screening has significantly reduced the number of pending cases. The availability of presentence reports as part of the CC program in Las Vegas has meant that, for the first time, lower court judges have reliable information for use in making decisions regarding assignment to the CC program and regarding final sentencing.

Almost all of the procedural changes and new information systems introduced as part of the ILCCH program will be institutionalized. Only the introduction of screening into the lower courts of New Castle County failed to be institutionalized. Thus, these components, while producing few of the immediate benefits anticipated at the beginning of the program and while not always misdemeanor-specific in nature, will probably produce longer-term improvements in case handling (specifically, in prosecutorial operations) than the processing alternatives discussed in Section 9.1. Again, however, the integrated operation of screening and PROMIS, designed to be the "heart" of the management-oriented approach of the ILCCH program, was not demonstrated as part of the ILCCH program in any of the sites.

10.4 Can the Criminal Justice System, Via the ILCCH Program, Implement a Formal Coordinating Function Which Will Insure System Efficiency Through the Development of Interagency Communication and Cooperation?

This question, more than the other three, addresses the central issue of the ILCCH program--the extent to which improved management and interagency coordination can produce better lower court case handling. The central question, then, is whether the series of discrete practices and procedures represented by the components worked together to produce a program. In this sense, the critical focus is the performance of the Mass Case Coordinators (MCC's) and the nature of program structure that evolved with the MCC role.

Kalamazoo was the only site which demonstrated that system-wide improvements could be made.

The MCC, the Council and its subcommittees, working together, did demonstrate the viability of a systemwide approach to misdemeanor case handling. Many improvements were made and issues examined via the components and outside of the components. Most important, misdemeanor case handling was finally accorded attention and various processes and procedures were examined in depth for the first time. As a result of the support for the Council, it appears that institutionalization of some type of interagency group is assured in Kalamazoo County. Currently, the formation of a system-wide criminal justice council for the county has been proposed to the Michigan Office of Criminal Justice Planning. The fact of the Council's creation, however, is probably of much less importance than the local perception of the need for such a council with the corresponding likelihood that such a perceived need would allow the council a real role and function in Kalamazoo's criminal justice system.

The three other sites, however, failed to develop either a viable MCC role or the active inter-agency councils needed to support the role. In Las Vegas, the MCC assumed the primary function of administrator. Component development, implementation, and operations were the responsibility of specific agencies or individuals, and issues of system-wide coordination and management were mostly ignored. In Wilmington, the MCC necessarily assumed too many roles. In the face of agency disinterest and with no real power, the MCC had little choice but to attempt to implement the program himself, component by component and agency by agency. Finally, in Columbia, the responsibilities of the MCC were largely undefined, his power was ambiguous, and his own management efforts were minimal. As a result, little was

accomplished in terms of inter-agency coordination or increased awareness of misdemeanor case handling problems.

In sum, in three of the sites a viable MCC role did not evolve, nor did a program, as such, take place. Only in Kalamazoo did misdemeanant case handling receive an inter-agency and inter-jurisdictional examination and did coordination occur to any degree. Even in Kalamazoo, however, it can be misleading to speak of an ILCCH program, because even there, the relationships between the components remained tenuous at best (see Section 11.1 for a full discussion of the viability of the component-to-program relationship and the MCC concept). In no site was an MCC position institutionalized. In Kalamazoo, however, attempts are underway to institutionalize an interagency council, a mechanism that proved more significant than any of the MCC positions.

10.5 Summary of Findings

It is obvious that the ILCCH program resulted in a diversity of individual site and component processes and results. As such, the findings below are necessarily generalizations from the variability of the program experience.

- The processes of component/program planning and development were conducted rapidly and often without sufficient analysis of local need, existing procedures, or agency interest.
- In many cases, component implementation proved to be a difficult and time-consuming process, because of a lack of planning, a lack of agency interest, or because of the complexity of the component (as with PROMIS) and the system itself.
- The four program components which represented processing alternatives--citation, summons, pretrial release, and selected offender probation--were often implemented in a limited form, and (with the exception of pretrial release and court counseling in Las Vegas) achieved

limited use and savings; only five of the ten examples of these components implemented across the four sites were institutionalized.

- The three information-processing components--case screening, PROMIS, and short form presentence investigation reports--were implemented in various forms but, in no site, did they operate together to produce the kind of management of case flow envisioned (case screening in Columbia was a partial exception); PROMIS implementation took almost the whole grant period in all sites and therefore contributed little to the program demonstration.
- The operation of a viable Mass Case Coordinator role and a coordinating council occurred only in Kalamazoo, where the council proved to be an effective mechanism promoting inter-agency cooperation and communication. The other sites either had no conception of how to implement a coordinating function or no interest.
- Overall, the program did result in a few localized improvements, but failed to bring about increased awareness of misdemeanant processing, more inter-agency coordination in pursuit of greater efficiency, or improved management. Thus, with the single exception of Kalamazoo, there was no demonstration of the program's central goal.

Despite this overall failure to demonstrate the program's central goal, there were components in all sites that resulted in significant improvements in case handling. The most notable of these were:

- the Las Vegas pretrial release component--which facilitated the release of a large number of detainees; brought greater equity to pretrial release decisions; and resulted in savings in detention costs;
- the Las Vegas CC component--which gave lower court judges a deferred sentencing option; allowed defendants to receive counseling or service referral before sentencing; and provided judges with PSI information to use in sentencing; and
- the Columbia case screening component--which brought charging responsibility to the Solicitor's Office; reduced the backlog of cases and improved the quality of dispositions by weeding out meritless cases.

In addition to the immediate benefits of these components, it should be recognized that the program has resulted in changes which, while not producing any dramatic short-term improvements, should produce better case handling in the future, in both specific and general ways. In Wilmington, Kalamazoo, and Las Vegas, the introduction of new forms and/or procedures for the issuance of citations and/or summons should contribute to greater use of these arrest alternatives in the future. Agencies have become familiar with the use of these alternatives, have developed policies for their use, have begun to recognize the potential benefits from this use, and have become aware of factors limiting both use and benefits.

Perhaps more significantly, all four sites have made changes (dramatic, in some cases) in the information systems employed in local prosecutor's offices. Although, it is difficult to anticipate the broad changes that will result from the introduction of PROMIS or PROMIS-related methods, capabilities for data gathering and aggregation and case management are being expanded in all four sites. There was no component in the ILCCH program that required as many resources, and as much time or commitment as PROMIS.

It should be recognized that one of the major goals of Federal demonstration programs--the introduction of change and the promotion of innovation in localities--is a most difficult one, given often intransigent philosophies, political pressures, and the limited fiscal resources of local governments. The ILCCH program attempted to introduce a whole set of procedures and projects, many of which represented innovations in the local criminal justice systems involved in the program. From this perspective, the failure of many components to be institutionalized (or even properly implemented and operated) was not surprising.

Even though components like the pretrial release project in Las Vegas, the SOP and pretrial release projects in Columbia, and case screening in New Castle County, were not institutionalized, their meaning may extend past whatever use they found as ILCCH components. As new concepts for these jurisdictions, they were tried and, thus, became more familiar entities in terms of operational features, goals and purposes, and potential uses and effectiveness. For this reason, they are probably more likely to be tried again, when they are more clearly needed, when they can be better shaped to meet local needs, and when the localities can implement and operate them more effectively.

11.0 PROGRAM PROBLEM ANALYSIS

The results of the ILCCH program, summarized in the previous section, were shaped by a range of variables that adversely influenced the processes of component and program development, implementation, and operation. Both the individual site documents[24] and this document identified many of these variables and examined the way in which they affected a component or the program as a whole. These variables included:

- the lack of a real or specific need for a particular component in the criminal justice system or in an agency;
- the limited effective capability to implement, manage and "sell" a program;
- the lack of interest and commitment of specific individuals or agencies sufficient to make changes in existing procedures;
- a variety of legal and procedural restrictions related either to the component or to an agency and its operations; and
- attitudes and perceptions of ILCCH program and agency personnel related to the undesirability or costs inherent in certain components.

If one examines the variables listed above, however, it is apparent that many of them were largely determined by the processes of program definition and site selection conducted at the national level. In other words, the nature of the program concept and the nature of site selection, were probably responsible in large part for the problems encountered by the ILCCH program in the various sites.

11.1 The ILCCH Program Concept

The ILCCH program, as initially developed at the national level suffered in two major respects. Although it was represented as a "program," it was essentially a collection of previously-tested elements, designated as a "program" by the simple fact of the

inclusion of a coordinating position, the Mass Case Coordinator (MCC). Second, although an integrated, system-wide approach to the problem of "assembly-line justice" was targeted, the components fostered a limited, and non-flexible approach to an extremely complex issue--misdemeanant processing.

The selection of the seven components which had been previously employed in other jurisdictions had no explicit rationale except that they spanned criminal processing from arrest to sentencing, targeted a more rational use of criminal justice resources, and, in one way or another, tried to address the overload problems of the lower courts. However, a multitude of other procedural alternatives could have been specified to fit the same criteria. Further, in many respects, selected offender probation (SOP) seemed an appendage, added on to insure that the criminal justice process was spanned by the program. In point of fact, the inclusion of such a labor-intensive component able to affect so few misdemeanants, was incongruous and inconsistent with the nature of the other components.

Similarly, the implementation of PROMIS--involving the development and operation of a new information system for the entire prosecutor's office--seemed a dubious choice for the lower court program. Not only did the lengthy implementation time conflict with the program's goal of quickly demonstrating improved misdemeanant handling, but the desire to develop the system was almost always a product of concerns with felony rather than misdemeanor processing.

The illusion of a program was heightened by the specification of a number of supposed linkages or interactions between components.(25) Most of these interactions--for example, the contribution of citation and summons to the screening process--seem either far-fetched or not particularly significant. In fact, instead of contributing

to screening, citations were often disfavored in prosecutors' offices because they meant that the case would not be screened before arraignment.

Many of the specified inter-component connections were of an information-sharing nature; these connections rarely materialized in the program. For example, PROMIS and screening were expected to contribute to pretrial release data collection; yet pretrial release interviews are often conducted within twenty-four hours of arrest, rendering the information-sharing infeasible. In fact in Columbia, the pretrial project provided information for PROMIS! Theoretically, the specified information-sharing amongst pretrial release, PSI reports, and probation, could take place because of commonalities in information; the "resource savings in many instances would be considerable."(26) This was improbable, however, because information-sharing is not likely to remove the necessity of conducting separate interviews, since each of these functions seeks slightly different types of information. Pretrial release collects information predictive of court appearance; presentence investigations collect information relevant to sentencing decisions; and probation collects treatment-oriented information. In fact, in Kalamazoo, probation officers insisted on collecting their own client information rather than allow presentence investigators to perform the function.

The final assurance, however, that the ILCCH program would be a "program," rather than a set of discrete practices, was embodied in the MCC position. This individual, who was to work for the entire system and not just an agency, would integrate program efforts and develop a cooperative venture for the criminal justice agencies involved. Yet, with no real clarification of his role, without specified tasks, and with no base of power, the MCC role proved to be a bogus designation. The grand goals of inter-agency cooperation

and communication in pursuit of common purposes were not new to the criminal justice community; the many and varied impediments and disincentives to these goals would hardly vanish by designating an individual as the solution.

It had been suggested early on that the MCC might be an independent person with his own staff and without agency affiliation; this was clearly the case in Wilmington and it had the effect of leaving the MCC vulnerable, without a base of power or support. In Columbia, where the MCC did have agency affiliation, this tended to alienate other agencies. In either case, it had been noted by program planners that it was critical for the MCC to be accepted and respected by the criminal justice community. How this was to come about was not clear, however.

The Kalamazoo experience provides a clear indication that the key to implementing a viable MCC role--one that would have broad agency support, and clearly defined powers and responsibilities--lies in the operation of a committed, inter-agency council. It seems evident, in retrospect, that only such a group can provide broad and representative support for a coordinating function. Additionally, while the MCC was concerned with the specifics of component implementation, the council could assume the broader responsibilities of examining misdemeanant processing in its totality, setting local policy in that area, and acting outside of the specific program parameters. Thus, an inter-agency coordinating council should have been mandated as the central element of the ILCCH program with the MCC serving as the "action arm" of the council. In this way, the coordinating function would have been formally embodied in and conducted by all agencies, rather than becoming the somewhat unrealistic mission of a single individual.

In addition to the lack of a clear program concept and viable mechanisms for coordination, the ILCCH program suffered from the limited and non-flexible nature of the components represented. Although all of the seven components might offer something to improve case processing, the program experience made it clear that many of them were not relevant or useful to specific agencies in specific jurisdictions and, thus, should not have been attempted. All of the jurisdictions wasted some resources trying to implement certain components. Additionally, because the seven components were the program, the MCC often adopted the narrower framework of component-by-component implementation rather than examining processing needs and procedures in general.

There is no obvious reason why a wider range of procedural and information-gathering mechanisms and strategies could not have been offered as part of the program, with the sites choosing amongst them to develop a "tailor-made" program. As mentioned earlier, courtroom operations--obviously, a critical juncture in case processing--were not targeted by the program. Thus, problems like jury utilization, witness management, docketing, and so on were not addressed despite their obvious relevance to the issue of "assembly-line justice." The whole question of trial delay and strategies designed to address delay were never mentioned. In short, the lower court's program never got into the courts.

Similarly, there seems to be no reason why a range of diversion and correctional alternatives could not have been offered rather than the somewhat "over-tested" concept of intensive supervision represented in selected offender probation. The court counseling program developed in Las Vegas is one example of a deferred sentencing alternative which can affect hundreds of misdemeanants. Its

development was predicated on the fact that misdemeanor probation was not possible in Nevada and, thus, they did not have to pursue an SOP component.

The selection of the components did not recognize the diversity of the lower courts and the concomitant diversity of strategies that would be necessary to improve case handling, or the complexities of the problems themselves. Recent studies[27] of the lower courts have emphasized the variation in lower courts in terms of size, geographic location, methods of disposing of cases, sources of case processing pressures, and even attitudes towards misdemeanors; it is clear that new operations and management techniques must be adapted and suited to specific courts. For example, Alfini and Doan have noted that:

> Since the urban courts dispose of the bulk of their cases through plea negotiation, management innovations for urban courts should direct more attention to the plea negotiation process. Similarly, since the rural courts dispose of the bulk of their cases by guilty plea at initial appearance, management innovations for rural courts should allocate those courts' resources accordingly.[28]

Instead of encouraging the sites to examine the complexities and problems of their own lower courts and procedures for handling misdemeanants, the seven components tended to induce the same type of approach to lower court problems that was inherent in the program concept. By conducting a detailed analysis of procedures and problems in lower-court case handling, by selecting a "tailor-made" set of needed components, and by specifying the manner in which existing procedures would be augmented or integrated with new techniques to address problems, the sites might have been aboe to move towards integrated solutions to misdemeanor case handling problems.

Finally, the inter-agency councils could have been the vehicles for all of these activities, giving credence to the poorly perceived importance of misdemeanors, misdemeanants, and the lower courts in the criminal justice system.

11.2 Site Selection

The second major factor affecting program outcomes was the site selection process. The time frame for the program dictated that both site selection and grant application take place in an extremely short period of time (see Section 1.3). The haste with which these processes were conducted and the necessity of having at least four sites participate meant first, that some sites would be selected in the absence of evidence of interest or capability and, second, that all of the sites would begin the program with almost no analysis of misdemeanor case processing problems or explicit plans for component implementation.

The most obvious errors in site selection were the decisions to include Wilmington and Columbia in the program. There was little evidence of interest or commitment on the part of criminal justice agencies in New Castle County and, in many cases, there was little understanding of the components or of their purposes. These factors became particularly evident as the MCC began the task of component implementation. He found corrections' agencies without a strong need for the pretrial release, short form PSI reports, and SOP components, and thus, uninterested; there were procedural difficulties limiting the utility of citation and summons; and the Attorney General's Office's interest in screening was mostly a result of the fact that it would temporarily provide additional prosecutorial personnel. The program outcomes--limited component implementation, use, and institutionalization--were not unexpected given the low interest in the ILCCH program in New Castle County.

Columbia also evidenced limited interest in most of the components; in fact, two of the components--citations and summons--could not be implemented under state law. More important, there was little evidence of a strong capability to implement a program requiring broad agency support and cooperation. The fact that most criminal justice agencies (including the courts) were never involved in the Columbia ILCCH program, or were even aware of it, reflected the quality of the administration and management of the program by the Solicitor's Office. What did survive in Columbia were the two components related to prosecutional operations, PROMIS and case screening; otherwise the program never got out of the Solicitor's Office.

Las Vegas and Kalamazoo suffered more from the limited nature of the components offered than from any lack of commitment or capability. With little time for analysis or planning, both sites went ahead with implementation of all components, only to find, in some cases, a limited need for a component. Las Vegas was the only site with lower courts characterized by "massive caseloads" and "assembly-line justice," and the ILCCH program simply could not offer the additional judicial resources or institute the type of organizational and/or legislative changes needed to remedy this problem.

In sum, the ILCCH program began with a limited and rather inflexible program concept consisting of: (a) a set of procedures and processes for improving case handling and resource allocation and (b) a coordinating position. Given a program of this sort, successful demonstration of even the majority of the components, much less the coordinating function, demanded an extremely comprehensive and analytical site selection process. Instead site selection and grant preparation were conducted rapidly and without careful analysis so that the program/component implementation often took place in a

confused environment of agency disinterest and misunderstanding, complicated by the inter-agency and inter-jurisdictional nature of the program. The result was a hit-and-miss pattern of limited implementation, use, savings, and institutionalization. All sites had a few components which were relatively successful in terms of introducing new techniques or procedures into case handling which either realized or promised to realize significant use and resource savings. With the exception of Kalamazoo, however, none of the sites demonstrated even minimally the major goal of the program--improved case handling through a management-oriented approach which capitalizes on the inter-dependencies of the system and fosters greater inter-agency cooperation and communication.

REFERENCES

1. National Commission on Law Observance and Enforcement (Wickersham Commission), Report on Criminal Procedure (1931).

2. The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (1967), p. 128.

3. Ibid., p. 128.

4. John A. Robertson, Rough Justice: Perspectives on Lower Criminal Courts. Little, Brown and Company: Boston (1974), p. xxii.

5. Memorandum from Gerald Caplan (Director, NILECJ) to Richard Velde (Administrator, LEAA), December 17, 1974.

6. Tally McCrea and D. M. Gottfredson, A Guide to Improved Handling of Misdemeanant Offenders, National Institute of Law Enforcement and Criminal Justice, January 1974.

7. Gail Baker and John Strack, Improved Lower Court Case Handling: A Review of Workshop Results, The MITRE Corporation/METREK Division, MTR-7515, March 1977, pp. 2-3.

8. Office of Technology Transfer, Improved Lower Court Case Handling: An Interagency Approach to Criminal Justice Management, U.S. Department of Justice, April 1976, p. 2.

9. Memorandum from Victoria Jaycox and Joel Garner (Office of Evaluation, NILECJ) to Richard Linster (Director, Office of Evaluation), March 7, 1975.

10. See for instance, Robertson (Supra note 4) or Karen Knob and Brent Lindberg, "Misdemeanor Justice: Is Due Process the Problem," Judicature, (60), April 1977.

11. For a description of the site assessments see, The Institute for Law and Social Research, Improved Lower Court Case Handling Program: Demonstration Site Assessment Reports, (June 13, 1975).

12. Ibid.

13. Ibid.

14. Evaluation/Policy Research Associates, Ltd., Evaluation Plan for The Improved Lower Court Case Handling Program, July 1975.

15. Supra note 9, p. 2.

16. Eleanor Chelimsky, Gerrie Kupersmith, and Joseph Sasfy, The Improved Lower-Court Case Handling Program: Concept and Plan for the National-Level Evaluation, The MITRE Corporation, METREK Division, MTR-7352.

17. Eleanor Chelimsky, Laura Otten and Joseph Sasfy, The Improved Lower Court Case Handling Program: Columbia (Richland County), South Carolina, National Evaluation: Final Report, The MITRE Corporation, METREK Division, MTR-7682., Vol. I.

    Eleanor Chelimsky, Michael Fischel and Joseph Sasfy, The Improved Lower Court Case Handling Program: Kalamazoo (Kalamazoo County), Michigan, National Evaluation: Final Report, The MITRE Corporation, METREK Division, MTR-7682., Vol. II.

    Eleanor Chelimsky and Joseph Sasfy, The Improved Lower Court Case Handling Program: Las Vegas (Clark County), Nevada, National Evaluation: Final Report, The MITRE Corporation, METREK Division, MTR-7682., Vol. III.

    Eleanor Chelmisky, Michael Fischel and Joseph Sasfy, The Improved Lower Court Case Handling Program: Wilmington (New Castle County), Delaware, National Evaluation: Final Report, The MITRE Corporation, METREK Division, MTR-7862., Vol. IV.

18. Supra note 16, p. 37.

19. National Advisory Commission on Criminal Justice Standards and Goals, Courts, Law Enforcement Assistance Administration, 1973, p. 70.

20. See Charles Aries, Anne Rankin, and Herbert Stury, "The Manhattan Bail Project: An Interim Report on the Use of Pre-Trial Parole," New York University Law Review, Vol. 38, January 1973; Institute on the Operation of Pretrial Release Projects, Bail and Summons, 1965, New York: National Conference on Bail and Criminal Justice.

21. Supra note 19, p. 70.

22. Supra note 20.

23. Joel Liberman, S. Andrew Schaffer, and John Morton, The Bronx Sentencing Project of the Vera Institute of Justice, National Institute of Law Enforcement and Criminal Justice, 1972.

24. Supra note 17.

25. Supra note 8, pp. 11-12.

26. Supra note 8, p. 12.

27. See for instance, Robertson (supra note 4); Knob and Lindberg (supra note 10); or James Alfirn and Rachel Doan, "A New Perspective on Misdemeanor Justice," Judicature, (60), April 1977.

28. Ibid., p. 434.