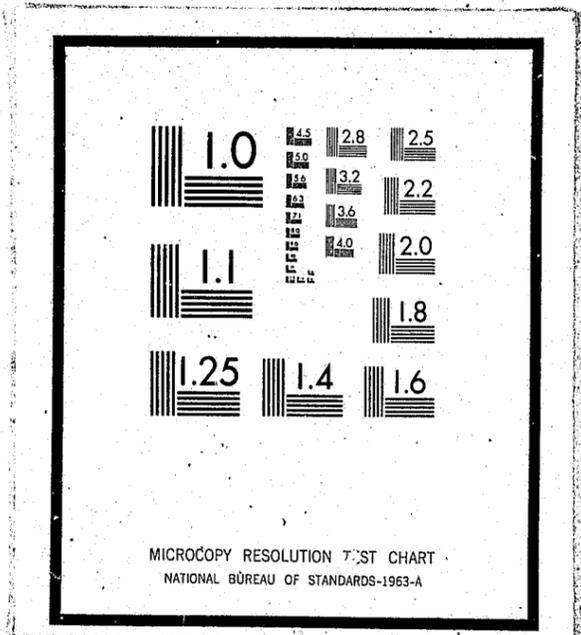


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GOVERNOR'S COMMISSION
ON CRIME PREVENTION
AND CONTROL

Minnesota -

OFF-CON (*Offender Control*) -

A Preliminary Evaluation Report

PROJECT EVALUATION

16691 E

OFF - CON

A Preliminary Evaluation Report

prepared by

Project Evaluation Unit

Governor's Commission on Crime Prevention and Control

March, 1974

TABLE OF CONTENTS

I.	Description	1
A.	The Project	1
1.	Background Information	1
2.	Project Goals	1
3.	Project Staff	3
4.	Program Structure	5
B.	Clientele	13
1.	Criteria for Admission	13
2.	Client Characteristics	14
II.	Evaluation of Effort	18
III.	Evaluation of Effect	21
IV.	Cost	22
V.	Summary	26
	APPENDIX A	28

I. DESCRIPTION

A. THE PROJECT

1. Background Information

OFF-CON is a pretrial diversion project located in Fergus Falls and sponsored by Otter Tail County. The project is in its second funding period (August 1, 1973 - July 31, 1974) and is being funded by Otter Tail County (\$1,947.00 cash -- \$19,707.00 in-kind), the State of Minnesota (\$2,342.00) and the Governor's Commission on Crime Prevention and Control (\$21,072.00). The initial grant award for this project covered the eight-month period from December 1, 1972 to July 31, 1973 and was likewise funded by Otter Tail County and the State of Minnesota (\$10,668.00 in-kind) and the Governor's Commission on Crime Prevention and Control (\$27,170.74).

2. Project Goals

This project, as required, has stated goals which it seeks to attain. The problem with these goal statements, as is the case with most projects, is that most of them do not lend themselves to evaluation. The stated goals tend to be things which are either essentially accomplished when the grant is awarded -- "create a service model" -- or things which cannot be either proven or disproven -- "demonstrate and promote the value of an organized diversion program." It is necessary for evaluation that goals be developed which clearly and concisely define a presently undesirable situation which will be ameliorated as a result of this project. Goals must also be stated in such a way that it is possible to tell whether or not the desired improvement has or has not occurred.

Bearing these problems in mind, it was necessary to reexamine the stated goals in order to develop evaluable goals. This reexamination has led to the development of goal statements which are believed to incorporate all of the major aims of the project and which state these aims in a manner which makes them amenable to evaluation. Because of the central role which these goals will play in this evaluation it seems useful to state them here, at the outset, so that they may serve as reference points for the ensuing discussions and observations. These goals are presented in the order of the importance ascribed to them by the project.

1. To reduce recidivism among adult first-time, nonviolent felony or gross misdemeanor offenders in Otter Tail County.
2. To reduce the workload of the district judge, the county attorney, and the state adult parole and probation officer.
3. To reduce the cost of processing adult first-time, nonviolent gross misdemeanor or felony offenders.
4. To reduce the amount of time spent in jail by adult first-time, nonviolent gross misdemeanor or felony offenders.
5. To increase knowledge concerning the implementation and operation of rural pretrial diversion projects.

These five goals are seen as forming the standards against which it is appropriate to judge the project. The provision of the information, data and analysis necessary to make informed judgments concerning the degree to which the project is accomplishing these goals is seen as the basic purpose of evaluation.

This preliminary evaluation report will not, however, be able to directly confront all of these issues. This is not possible as the evaluators preparing this report have only been involved in this evaluation effort for a relatively short time. Therefore, the approach which seems most useful

at this time is to provide a general picture of the project's current organization and methods and to present all relevant information and analysis which is available at this time. All future reports will, however, be based upon the more complete data which is now being collected and computerized. This data will be analyzed to provide direct, empirical evidence which may be used to reach informed judgments concerning the accomplishment of project goals.

3. Project Staff

Organization. OFF-Con operates with an Advisory Council which consists of approximately twenty members from the community and the local criminal justice system.¹ The Advisory Council was created because a group of local citizens showed interest in the program and because of their backgrounds and current professions they were seen as potentially helpful for the project and its clients. At the first meeting of the Advisory Board on February 1, 1973, it was decided that seven members of the Advisory Council should screen the prospective applicants, thus creating the Screening Committee. The authority to make recommendations to the county attorney regarding admissions and terminations was thus delegated to a Screening Committee composed almost entirely of local criminal justice professionals. The Screening Committee presently consists of the county attorney, the county sheriff, the county judge, the state adult parole and probation officer, the city attorney, the director of OFF-CON, and one rotating member from the Advisory Council. Decisions affecting the project's structural arrangements (project structure, admission criteria, etc.) were established by the project's originators. Members of the

¹ See Appendix A.

Advisory Council and Screening Committee can bring an issue to the attention of the project administrator, but that issue's acceptance or rejection is at the discretion of the county attorney. Inasmuch as all of the important decisions regarding this project are handled by the county attorney, the Screening Committee is only an advisory body and the Advisory Council seems to be primarily useful for public relations and sources of services for the clients.

This project has been under three directorships in its initial fifteen months of existence. The first directorship was jointly held by Harlan Nelson, Otter Tail County Attorney, and Robert Irvine, Chief Public Defender for the 7th Judicial District. These co-directors initiated this project and administered it during its first eight-month funding period. Under the grant for the second funding period Gerald Hellen, who had been the project investigator, became the director. As director, Mr. Hellen assumed the administrative responsibility which had heretofore been handled by the co-directors and also continued to act as the project investigator. Finally, upon exhausting his one-year leave of absence from his position as a state parole and probation officer, Mr. Hellen resigned in January, 1974 and was replaced by Mr. Michael Vosburgh, who is the present director/investigator.

The director/investigator is presently responsible for all of the daily operations of the project. These responsibilities include administration, investigation, counseling and public relations. In essence, the director/investigator performs all the project-related functions which will be described in this report except for making final decisions regarding client participation (which is the responsibility of the county attorney) and those duties

which can be reasonably delegated to the project's secretary.

The project has one two-thirds-time secretary who performs the usual secretarial duties such as maintaining files, preparing correspondence, scheduling appointments, preparing reports and any other duties which the director deems appropriate.

4. Program Structure

The way in which a program is structured may have a profound effect on the purposes which it serves and impacts which it has on the criminal justice system. Because there is great variety in the organization and methods of pretrial diversion projects, it seems useful to briefly review the structure of this project and to note some of the ways in which this structure may be effecting the project's output. This is particularly important as program structure is seldom accidental and often reflects the philosophy of those who designed it. This is particularly the case with pretrial diversion as there are not, as yet, any well-defined structural guidelines.

The arrangement through which clients are first brought into contact with this project is a referral system. That is, potential divertees must be brought to the attention of the project by someone other than the project staff. The first possible source of referral to the project is the county attorney. The county attorney is the first individual who is aware that an offense has occurred, and that the alleged individual may be a likely candidate to the project. However, in the event that the county attorney passes over a possible candidate, or he does not consider the individual a logical candidate at that time, the next source of referral is the individual's

defense counsel. The source of most referrals has been the defense attorney. It is possible for others such as the county judge to make referrals to the project but this has seldom occurred. The referral normally comes after the first appearance in county court wherein bail or bond is established and a defense attorney is appointed if necessary. The choice of this point in the judicial process to initiate diversion is apparently determined by the fact that the project requires the participation of a defense attorney and one is not usually available until after the first appearance. Later stages in the judicial process are judged to be inappropriate because it is reported to be the county attorney's position that if he must go through the preliminary hearing ". . . then the county attorney, at that point, might just as well (as far as time and effort is concerned) continue to prosecute the case." This suggests that from the county attorney's perspective, the savings of his time and effort is a highly valued purpose of this program. This also suggests that since defense attorneys may feel that their client's best interests are served by going through a preliminary hearing to determine if a substantial amount of evidence warrants further proceedings, the county attorney's policy of excluding such clients from consideration for diversion may further limit the number of potential divertees available to the project.

There are other aspects of the procedure whereby the project receives applicants which are worth noting. The first is alluded to above and is that the project director/investigator is entirely passive as far as identifying potential divertees is concerned. The project then depends on the county attorney or defense attorneys to identify potential divertees. While the staff has informed local defense attorneys about the project, it is possible that

that some defense attorneys do not have confidence in the project. Also, defense attorneys from outside the area may not be aware of the project. In sum, then, it seems highly likely at least some offenders who could benefit from this project are denied that opportunity because the project director/investigator maintains such a passive posture. Other project directors and investigators in similar circumstances have found that by carefully monitoring arrest reports and contacting likely candidates and their attorneys they have been able to greatly increase the numbers of individuals who benefit from the project.

The other factor which tends to limit the number of applicants is the requirement that participants be charged with either gross misdemeanors or felonies. This requirement means that alleged misdemeanants are denied consideration for OFF-CON. This limitation would appear to lead to a situation wherein serious offenders may be given an opportunity which is denied to the less serious offenders. This problem is compounded when it is realized that the project has, with apparent success, diverted a number of offenders who were charged with offenses which were felonies at the time but which are now misdemeanors. In essence, this could mean that since the legislature revised the statutes to lessen the penalty for a particular offense, offenders who would have been eligible for diversion can now only be dismissed or prosecuted. This may not be the case, however, as we have been informed that although not titled as Misdemeanant Diversion, the Otter Tail County Court handles certain misdemeanor cases as a diversion program. The county judge has the local juvenile agent conduct an investigation on first-time offenders; and the county agent makes a recommendation to the court as to what the appropriate

sentence should be. After the judge receives the juvenile agent's recommendation, and should he concur with a suspended sentence, the judge will stay the sentence upon conditions set by the court. The individual is then placed on a probationary period of one year. Should the individual successfully complete the one year probation, the original charge is dismissed. Should the individual violate his probationary period, he/she will be brought back into court for prosecution. Inasmuch as this misdemeanor diversion procedure has only recently come to our attention, we have not explored its operation in any great detail. However, it would seem that the consolidation of these two programs could have organizational and economic advantages. In any event, the presence of a "misdemeanant diversion" program limits the potential diversion population for OFF-CON.

In any case, once an alleged offender is referred to OFF-CON for consideration, he or she is given an orientation to the project wherein the purpose of the project and their responsibilities as a participant are explained. After this orientation, the client submits an Application (signed by the applicant, defense attorney, and witnessed by a third person), a Consent to Release Confidential Information form, and an Acknowledgement of Offense and Waiver of Rights form. While the Application form and the Consent to Release Confidential Information form are fairly standard, the Acknowledgement of Offense and Waiver of Rights form is a source of serious concern.

The Acknowledgement of Offense and Waiver of Rights form requires the alleged offender to state ". . . when, where, what, how and with whom you committed any violation of criminal law for which you seek OFF-CON benefits."

The requirement that the offender acknowledge and give particulars regarding his criminal behavior runs directly contrary to the recommendation of the American Bar Association. This group has pointed out that this information is not privileged and may at any time be subpoenaed and used as evidence against the defendant -- any statement to the contrary notwithstanding. Also, it is directly stated on this form that if the participant is removed or voluntarily withdraws from the project, this form and all of its contents (including the admission of guilt) may be used against him in any criminal proceeding. This would probably mean that if a participant chose to leave the project his defense would be seriously prejudiced by the statements which this project required him to make as a condition for consideration for admission. This means that after one applies for admission to the project, any further participation can hardly be viewed as completely voluntary, as the admissions which must have been made would, in all probability, make an effective defense impossible.

After the prospective divertee has signed these waivers he is then required to complete a very extensive set of questionnaires which seek information on almost all aspects of his life. While some of the information collected via these forms undoubtedly bears on the prospective divertee's suitability for diversion, much of the information seems to be completely irrelevant to the issue to be decided. For example, it is most difficult to understand how "the date of my spouse's birth" or "description of marks and scars" could bear on an alleged offender's suitability for diversion. While these are extreme examples, there are many questions which the applicant is required to answer which seem to have little, if anything, to do with his suitability

for diversion. Likewise, the questionnaires which are sent by the project to the family, spouse, school, and employer inquire into such areas as the "parent's nationality," "spouse's nationality," and the "times tardy in the 7th grade." It would seem that it would be much more appropriate and efficient if the project would clearly define the information which it is believed to directly bear on the potential participant's suitability for diversion and limit their investigation to the collection of such information.

In any case, the procedure is that after investigation, which usually takes about ten days to complete, the project director/investigator prepares a one to two page Case File Summary which is distributed to the Screening Committee. Within two to three weeks from the time the alleged offender submitted application to the project he appears before the Screening Committee for consideration. Immediately after the Screening Committee reviews the case the members vote to determine if the applicant should be recommended for the project. The county attorney then indicates whether he will honor the Screening Committee's recommendations. Within one to two days after the divertee has been accepted into OFF-CON, a Participant Agreement Contract is formulated and signed. This agreement requires, among other things, that the offender commit himself to a community-oriented program of "reparation" for the offense committed. The "reparation" may take the form of a program of "personal development" or of "community service." Personal development is meant to refer to participation in educational or vocational training activities which are of personal benefit to the participant. This option has, however, been infrequently selected by the participants and in most cases the divertee has been required to contribute 48 hours of personal service to a

non-profit or charitable enterprise. Table 1 summarizes the community services which have been utilized to date.

TABLE 1	
<u>COMMUNITY SERVICE COMMITMENT</u>	
1.	Age 18 -- three months commitment to the Fergus Falls State Hospital and one year as assistant scoutmaster
2.	Age 18 -- three months commitment to a nursing home in Pelican Rapids
3.	Age 18 -- six weeks (two days a week) commitment to the Head Start program in Pelican Rapids
4.	Age 24 -- commitment to the city manager of Perham to be involved in city athletics
5.	Age 18 -- commitment to the city manager of Perham to be involved in city athletics
6.	Age 21 -- referred to the Fergus Falls Alcoholic Drug Dependency Ward to receive alcoholic treatment
7.	Age 22 -- three months commitment to county court house
8.	Age 19 -- three months commitment to the city of Perham to work at the golf course
9.	Age 19 -- three months commitment to work at the Fergus Falls State Hospital
10.	Age 20 -- committed to attend a three-month evening equivalency course to attain a G.E.D. diploma
11.	Age 18 -- six weeks (two days a week) commitment to the Head Start program in Pelican Rapids
12.	Age 20 -- three months commitment to work at Fergus Falls State Hospital
13.	Age 20 -- three months commitment as a tutor to the Juvenile Detention Center at Moorhead, Minnesota
14.	Age 23 -- three months commitment to Y.M.C.A.
15.	Age 19 -- three months commitment to work in Maplewood State Park

TABLE 1 CONTINUED
COMMUNITY SERVICE COMMITMENT

- | | | |
|-----|--------|---|
| 16. | Age 20 | -- three months commitment to work in a church program through the faith of his choice, Lutheran denomination |
| 17. | Age | -- three months commitment to work with youth, grades 6 - 8, in a physical education program through the faith of his choice, St. Mary's Catholic Church, Breckenridge, Minnesota administered by the Catholic priest |
| 18. | Age 18 | -- three months commitment to a charitable enterprise administered through the Golden Valley Lutheran College which client attends |
| 19. | Age 21 | -- one school year commitment (one hour a week) to teach religion classes through the faith of his choice, Catholic denomination |
| 20. | Age 45 | -- receive out-patient care at Lakeland Mental Health Center |
| 21. | Age 19 | -- recreation department, Fergus Falls State Hospital |
| 22. | Age 19 | -- Y.M.C.A. |
| 23. | Age 19 | -- Fergus Falls Day Care Center |

Except for the community service requirement, there appears to be little difference between the manner in which divertees and probationers, for example, are handled. The basic method of operation in both cases appears to be directed toward supervision rather than toward any particularly intense helping services. This is not to suggest that the project does not, on occasion, send a divertee to some community agency for assistance or provide some counseling, but the level of these activities seems to be about the same for both divertees and probationers. This "oversight" approach is at considerable variance with the "intensive services" approach used by many diversion projects. It is not possible to say at this point which approach is more successful, but it can be noted that all of the diversion projects which have received

favorable national recognition have followed the "intensive services" approach.

If, however, the divertee violates the conditions of the contract during the diversion period, the director may initiate steps to remove the participant from the project. The procedure is that the director prepares a recommendation and sends it to the Screening Committee which makes a recommendation to the county attorney. If the county attorney agrees with the recommendation to terminate the participant, the divertee is again subject to criminal prosecution on the original charges which led to the diversion. The two cases which have been terminated in this manner both involved additional criminal behavior and they were prosecuted for the new offense rather than for the original charges.

B. CLIENTELE

1. Criteria for Admission

The formal criteria for admission to OFF-CON are defined in terms of the nature of the alleged offense and the criminal history of the alleged offender. As noted earlier, the alleged offense must be either a felony or a gross misdemeanor but it cannot be a "crime against the person" such as homicide, rape, assault or robbery and there must not have been a gun used to facilitate the crime. So far as criminal history is concerned, the formal requirement is that the alleged offender must have no prior felony convictions. Potential participants who have pending warrants are also excluded from consideration. The alleged offender must also be at least 18 years of age. Fundamentally, this means that the project considers its target population to be adult, nonviolent, first-time felony and gross misdemeanor offenders in Otter Tail County..

2. Client Characteristics

Since the project has accepted only a rather small number of participants (23) during its first fifteen months of operation, care must be taken not to try to infer too much from the characteristics of this rather small group. Nevertheless, it seems useful to provide some basic information which is descriptive of this group and which may reflect the general thrust of the project.

The demographic characteristics of the project's clients to this point show that most are male (86.9%) with all except one (95.6%) being white. One (4.3%) of the clients was of partly American Indian extraction. The divertees have been young with all except one (95.6%) being between the ages of 18 and 24. The sole exception (4.3%) was 45 years of age.

As one looks at the living situations of those accepted into the project there are some interesting yet not entirely clear findings. For example, more than one-half (56.5%) of the participants were living with their parents and most of the remainder (30.4%) were living with friends or relatives. Only one (4.3%) was living with a spouse and only one (4.3%) was living alone. It is unclear whether this apparent pattern is indicative of living situations which lead to criminal behavior or whether it is simply reflective of local living patterns. It is also possible that this pattern may be reflective of selection procedures. It is also useful to note that only one (4.3%) of the participants supported anyone other than themselves, if that. In fact, less than one-half (43.4%) supported themselves with the remainder depending upon either a spouse (4.3%), the government (13.0%), or their parents (39.1%) for financial support.

The educational situation of the project's clients, at least in terms of years of schooling, is much better than might be expected. A substantial number have twelve or more years of schooling (56.5%), with six (26.0%) having at least some college training. A substantial number do have less than twelve years of schooling (43.4%) but all have completed at least ninth grade. Also, five (21.7%) of the project's clients are still in school attending twelfth grade and one (4.3%) is attending college. Also, one divertee was attending vocational school on a part-time basis.

Interestingly, most of those accepted into the project are seen as being without any serious financial troubles. Only three (13.0%) were seen as having "major financial problems" and one (4.3%) was seen as having "minor financial problems." The vast majority (69.5%) were seen as having "no financial problems." This lack of financial problems exists even though seven (30.4%) of the divertees were unemployed at intake and some had never held a job in their entire life. In these cases, the divertees were apparently being supported by their parents. This finding is consistent with the general impression which one receives upon examination and consideration of the data describing socio-economic characteristics of the project participants. That is, that they tend to be young, apparently immature males who are living a rather marginal economic and social existence wherein they have few responsibilities and do little to help themselves or others.

Most participants taken into the project are alleged to have committed rather serious criminal acts. The charges involved are summarized in Table 2.

TABLE 2 CHARGES		
FIRST CHARGE	SECOND CHARGE	THIRD CHARGE
Possession - Marijuana		
Theft		
Possession - Marijuana		
Possession - Marijuana		
Furnishing to Minor	Minor Purchasing	Contributing to Delinquency
Procuring Liquor for Minor		
Unauthorized Use of Motor Vehicle		
Possession - Marijuana to Distribute		
Possession - Marijuana		
Possession - Marijuana to Distribute	Possession - Marijuana	
Procuring Liquor for Minor		
Receiving Stolen Property	Escape	
Receiving Stolen Property		
Burglary		
Burglary		
Burglary		
Aggravated Forgery (three complaints)		
Burglary	Theft	
Possession - Amphetamines		
Burglary	Theft	

Beyond the criminal involvement which led to being referred to the pro-

ject, few of the divertees had any apparent record of involvement with the criminal justice system. This observation is based only upon adult records, as the project was unable to provide sufficient data concerning juvenile histories. The adult records, however, show that only six (26.0%) of the participants have records of misdemeanor convictions and none have records of either gross misdemeanor or felony convictions. Only one (4.3%) of the twenty-three had spent any time incarcerated and that was just two months in jail. By and large, then, it seems from the data available that those diverted have indeed been relative new-comers to the criminal justice system.

II. EVALUATION OF EFFORT

It is seldom practical to attempt to directly measure the amount of energy being expended by a project in pursuit of its goals. What must usually be done is to examine some general indicators of efforts such as the number of investigations conducted, the number of program participants, etc. The problem with these kinds of indicators is that they do not reflect all of the efforts which may be expended on behalf of a project and they are imperfect measures in that they do not reflect the many non-productive mistakes and false starts which are to be expected with a new program. Also, the public relations efforts which may be critical to the success of a project - and which can be very time consuming - are rarely accurately reflected by general "output" types of measures. Nevertheless, bearing these limitations in mind, it does seem useful to briefly discuss some factors which seem to bear rather directly on the "effort issue."

There can be no question but that the project has been and continues to be adequately staffed. The initial investigator, later the director, was employed almost immediately upon the grant being awarded and the project has been fully staffed ever since. There is simply no question as to whether a reasonable effort has been made to secure qualified personnel as sufficient staff have essentially always been "on board."

Likewise, there seems to be little question but that a substantial number of community members have devoted a good deal of time and effort to this project. The principle citizens involved in this effort have been the members of the Advisory Board and the Screening Committee. The Advisory Board,

as mentioned earlier, appears to be performing a lesser role now that the project has been operational for a while but it did play a substantial role in the early stages and continues to be available if needed. The Screening Committee obviously spends more time on this project as they must meet and consider each and every candidate as well as meeting to consider all recommendations for unfavorable terminations. Basically, then, it seems that these community members are attempting to make this project work in Otter Tail County and it would be unreasonable to expect more from the community than is being provided. As one might expect with an innovative project such as this, community support is not unanimous as it is known that the Fergus Falls Chief of Police has declined to support the project. His non-participation does, however, seem to be exceptional and does not appear to be having any serious deleterious effects on the project.

The public relations and general promotional efforts of the project have also been quite substantial. There have been a number of occasions, particularly during the early stages of this project, when the project staff and others have met with professional and community groups to explain the project and to solicit support and cooperation. In addition, the project has been quite successful in gaining the attention of the local news media which have responded with a number of favorable newspaper articles and radio interviews. Once again, the efforts in this area seem to be substantial and commendable.

Having found strong indications that a good deal of effort has apparently been expended in securing staff, obtaining and utilizing community support and promoting the project, it is somewhat disappointing to realize that the project has diverted only twenty-three individuals in fifteen months. While

such a finding would usually reflect rather negatively on the efforts of the project, it seems in this case that the principle causes of this low intake are not primarily effort-related. The low intake seems to be caused more by the relatively small population of Otter Tail County coupled with narrow eligibility criteria and a passive "referral system." This problem of very low intake could probably be at least partially ameliorated by broadening the eligibility criteria so that more alleged offenders would benefit from the program and by regularly monitoring arrest records to ensure that all potential participants are aware of the program and the benefits it can offer them. In essence, then, it seems that the small number of clients is most likely being produced by structural arrangements rather than by lack of effort.

III. EVALUATION OF EFFECT

The evaluation of effect is intended to provide informed judgments regarding the impact of the project on the problems it is designed to ameliorate. This evaluation component requires rather extensive, long-term data collection so that it is possible to detect changes in the problem situation which can be attributed to the project. Such data collection efforts are currently underway but since only one divertee has successfully completed the diversion period it is simply too early to begin to assess the effects of this program. About the only useful observation which can be offered at this point is that few of the divertees have so far been rearrested. Of the twenty divertees who have been in the project for any length of time, two have been rearrested. It is difficult to know what meaning to ascribe to this finding as there is not yet any meaningful basis for comparison. About all we can say at this point is that most of those diverted do not get rearrested during the early months of their participation. There may indeed be many more positive effects than just these but it is simply just too early to tell. Future reports will however, be able to address this important issue much more satisfactorily. Until then, it seems that it is best to defer final judgments pending additional data collection and analysis.

IV. COST

In order to give an idea as to the cost of this diversion project, we have reviewed the financial reports and budgets for OFF-CON. A brief summary of these reports is presented in Table 3.

TABLE 3	
<u>OFF-CON COSTS</u>	
December 1, 1972 - February 28, 1974 (fifteen months) ¹ .	
\$39,462.74	Federal Cash
1,366.19	State Cash
1,135.75	Local Cash
<u>\$41,964.68</u>	<u>TOTAL CASH</u>
21,028.00	State and Local In-Kind
<u>\$62,992.68</u>	<u>TOTAL</u>

To assist in presenting a clearer picture of the project we have sought to breakdown these total costs into participant-related figures. The best way to do this seems to be to calculate the total "Participant Months" which have elapsed since the beginning of the project. This was done by counting the total number of months each participant had been in the project as of February 28, 1974. In order to give the project the benefit of any doubt, a client was considered in the project for a month if he had been in the project for any part of that month. The number of months each individual had

¹ Sum of expenditures for December 1, 1972 to July 31, 1973 and seven-twelfths of the budget for August 1, 1973 to July 31, 1974.

had been in the project was then summed to produce the total "Participant Months" which was found to be 190. The expenditures per participant-month are presented in Table 4.

TABLE 4		
<u>ESTIMATED COST PER PARTICIPANT MONTH</u>		
<u>EXPENDITURES</u>	<u>PARTICIPANT MONTHS</u>	<u>COST/CLIENT/MONTH</u>
<u>CASH</u>		
\$41,964.68	190	\$220.89
<u>CASH AND IN-KIND</u>		
\$62,992.68	190	\$331.54

Table 4 shows that it has cost, on the average, \$220.89 "cash" to keep one participant in the project for one month. The total cost, on the average, of keeping one participant in the project for one month has been \$331.54.

Inasmuch as each participant is required to stay in the project for twelve months we may, therefore, multiply the "per month" costs by twelve months and estimate the average cost of maintaining a participant in the project for the entire diversion period. These calculations tell us that it has cost, on the average, \$2,650.68 "cash" and \$3,978.48 total cost to keep one participant in the project for one year.

Since part of this total cost is probably due to "start-up costs" it seems useful to calculate the per client costs for the second grant period only. These calculations are presented in Table 5.

TABLE 5 ESTIMATED PER CLIENT COST FOR SECOND GRANT PERIOD (FIRST SEVEN MONTHS)		
EXPENDITURES	PARTICIPANT-MONTHS	COST/CLIENT/MONTH
<u>CASH</u> \$14,793.94	139	\$106.43
<u>CASH AND IN-KIND</u> \$25,153.94	139	\$180.96

The "per month" cost presented in Table 5 may also be used to estimate the current cost of keeping one participant in the project for the complete twelve month period which are \$1,277.16 "cash" and \$2,171.56 "total cost."

It is difficult to know what to compare these figures to but it can be noted that these figures suggest that it appears to cost somewhere between four to ten times as much to maintain an alleged offender in OFF-CON as it does to maintain a convicted offender on probation. This seems to be a meaningful comparison as it is highly likely that most, if not all, of the OFF-CON participants would have plead guilty and been placed on probation.

There are, however, two other issues which are relevant. The first is that just looking at the cost of the project does not take into consideration the benefits which are received by the alleged offender and the community. The other issue is that since a traditional criminal justice system already exists and since it is unlikely that the removal of twenty-three cases over a fifteen month period will have significantly reduced its operating costs, the "marginal costs" of "processing" these alleged offenders would, in all

probability, have been minimal -- a few hundred dollars at most.

In sum, then, it appears that if this project is to be "cost-effective" it must justify itself in terms of substantial long-term benefits to the offender and the community. Given its present level of funding and its present number of participants, the project seems to require very substantial additional cash expenditures on the part of those financing the local criminal justice system.

V. SUMMARY

It seems useful, by way of summary, to briefly review the evaluation goals stated for OFF-GON and summarize the evaluation findings to date.

1. To reduce recidivism among adult first-time, nonviolent felony or gross misdemeanor offenders in Otter Tail County .

It is premature to attempt to evaluate the project on the accomplishment of this goal as not enough time has elapsed to make a recidivism study possible. Preliminary indications are, however, that few participants are being rearrested while in the project. It seems, then, that participants in the project have, at the very least, generally managed to avoid early reinvolvement with the criminal justice system.

2. To reduce the workload of the district judge, the county attorney, and the state adult parole and probation officer.

There is no doubt that the project has reduced the workload of the district judge and the state adult parole and probation officer. Many of the twenty-three cases handled by OFF-GON would have almost surely been added to their caseload had the project not existed. It is less clear as to whether the workload of the county attorney has been reduced as he is actively involved in the diversion project as well. Nevertheless, it appears that he believes it reduces his workload and his perception in this matter would be expected to be accurate.

3. To reduce the cost of processing adult first-time, nonviolent gross misdemeanor or felony offenders.

Preliminary indications are that not only has this project not reduced

the cost of "processing" participants, it appears to be much more costly. There may be long-term benefits which offset these additional short-term costs but there do not appear to be any short-term financial benefits to the criminal justice system capable of offsetting the expense of operating this diversion project.

4. To reduce the amount of time spent in jail by adult first-time, nonviolent gross misdemeanor or felony offenders.

The project does not appear to have any significant effect on the time spent in jail by members of its target group as almost all divertees have been released from jail before they are even considered for diversion. It is also unlikely that any divertees are avoiding jail sentences as it is likely that their relatively clean prior records would have gained them a stayed, suspended or probationed sentences.

5. To increase knowledge concerning the implementation and operation of rural pretrial diversion projects.

OFF-GON has undoubtedly served to assist in the development of knowledge concerning the implementation and operation of rural pretrial diversion projects. The project has served as a good "testing ground" and has shown that diversion is possible in a non-metropolitan environment. It is to be hoped that the project will continue to expand its horizons by discarding unnecessary or dysfunctional concepts and by continuing to try new and possibly improved methods of operation.

APPENDIX A

OFF-CON OF OTTER TAIL COUNTY DIVERSION PROJECT ADVISORY COUNCIL

Harland Bentley, Sociology Instructor, Chairman of Social Services Division
and Faculty Coordinator, Fergus Falls Junior College

Hon. Elliott Boe, Judge of County Criminal Court

Rev. Joseph Fridgen, Catholic Priest

Mrs. Charles Grunewald, Engineer, Otter Tail Power Company

Mr. Gerald Hellen, State Adult Parole and Probation Officer

Dr. Clifford Knutson, Chief Psychologist, Lakeland Mental Health Center

Otto Korp, Owner and Manager of KBRF Radio Station; Councilman

Gordon Kvern, Farmer

Miss Pat Madden, Registered Nurse, Director of Drug Dependency Ward and
Director of Nursing, Fergus Falls State Hospital

Sheriff Carlton Mortensen

Harlan L. Nelson, Otter Tail County Attorney, Co-Director of OFF-CON

David Nycklemoe, City Attorney, Fergus Falls

Mel Olson, District Manager, Otter Tail Power Company; Councilman

Joe Peloquin, Deputy Sheriff

Hon. Henry Polkinghorn, Judge of Probate and Juvenile County Court

Hon. Chester G. Rosengren, Judge of District Court

Mrs. James Rude, Principal, Fergus Falls Senior High School

Bill Stuttsman, Assistant Principal, Elementary School - Pelican Rapids

Rol E. Winterfeldt, Director of Department of Social Services

Rev. Lauren Youngdale, Pastor, Augustana Lutheran Church

END