

PRETRIAL INTERVENTION SERVICES

A Guide For Program Development

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**Pretrial Intervention Service Center
National Offender Services Coordination Program
AMERICAN BAR ASSOCIATION**

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NOSCP is an umbrella program with three functional units: the Clearinghouse on Offender Employment Restrictions, the Female Offender Resource Center, and the Pretrial Intervention Service Center. The programs address such subjects as the disabilities of conviction and incarceration, employer attitudes and perceptions, different treatment of male and female offenders, and alternatives to incarceration. In addition, NOSCP maintains a clearinghouse Information Exchange to compile data on all existing offender service programs.

The views or opinions in this publication do not represent the official position of the sponsoring agencies.

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P R E F A C E

If "time is the greatest innovator," these are vintage years for the pretrial intervention movement. No longer experiments, many of the hundreds of demonstration projects launched over the past decade have transitioned into permanent entities. And a new wave of pre-trial activity is expected to help divert system overload problems faced by local criminal justice agencies. In both situations there is a need for strategic planning. To assist in the process the National Pretrial Intervention Service Center has prepared this experienced-based planning guide. Its purpose is to complement efforts underway to professionalize the "emerging discipline" in ways that will improve pretrial intervention practice.

Through this publication the Center is afforded the opportunity to share four years experience in facilitative technical assistance in program development. For obvious reasons the *GUIDE* does not include or represent a pre-packaged program model. The expectation is that local planners and program operators will write that chapter in planning guides developed for their communities.

Major topics covered in the *GUIDE* fix targets for planning new projects and strengthening established agencies providing pretrial intervention services. Part I looks at activation efforts from a historical and experiential perspective. Part II offers a planning framework for project development and Part III identifies critical issues in program administration relating to legal, political and institutionalization problems. Also included is a section with resource materials and a listing of selected references to pretrial intervention literature.

ACKNOWLEDGMENTS

The idea for a manual to guide planners in the development of pretrial intervention models was that of Frank J. Jasmine. It was his view that such a technical assistance resource would generate experience-based planning concepts and complement his activation field work as Director of the ABA National Pretrial Intervention Service Center.

PRETRIAL INTERVENTION SERVICES: A GUIDE FOR PROGRAM DEVELOPMENT was prepared by Messrs. Leon G. Leiberg and J. Gordon Zaloom of Development Services Group, Incorporated. The co-authors are experienced innovators having directed Project Crossroads and the Hudson County Pre-Trial Intervention Project, respectively. Most recently Mr. Leiberg served as director of the Mutual Agreement Program sponsored by the American Correctional Association.

The desire to be original in the substantive presentations needs to be balanced with a statement that many sources contributed to the *GUIDE* either through experience, development of resource materials, training and creativity. Without their collective inputs this *GUIDE* would be a project for another day.

Special thanks are due Sharon J. Winkler for her editorial assistance and Bernadette W. Price who labored diligently in typing of the final manuscript.

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ARNOLD J. HOPKINS, DIRECTOR
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PART I

PRETRIAL INTERVENTION: OBJECTIVES AND PRACTICE

A. Overview

Today, it is estimated there are 148 diversion type projects operating in 37 states, the District of Columbia, Puerto Rico, and the U. S. Virgin Islands.¹ Ten years ago the first experimental models were initiated to test the feasibility and consequences of diverting first offenders to community treatment programs as an alternative to prosecution.² The prototypes, as with their successors, were conceived as a joint venture in criminal justice reform between justice system officials and the newly formed pretrial service agencies. Part of the bargain struck was that prosecution would be deferred and/or criminal charges dismissed against divertees who satisfied treatment and behavioral objectives. In breaking with tradition formal incentives and stipulations were established to guide decision making in the placement, service delivery and outcome sequence.

As could be expected, flexibility in the design and execution of demonstration projects was preserved in the experimental years. The result produced wide variations in administrative, operational and evaluation schemes. Now there is a movement to establish formal sanctions which prescribe uniform policy and procedure for the diversion process. Program authorization formats have been adopted by state legislatures, appellate courts and criminal justice standards and goals committees. The impetus is towards state-wide opportunities for diversion and the establishment of pre-trial service agencies to administer a variety of support services to defendants.

These efforts to solidify pretrial intervention practice will most likely trigger a period of reexamination during which refinements will be made in program goals and objectives. Participants taking a second look at the diversion process will include the courts, evaluation specialists, criminal justice planners and local government policy-makers. This publication was conceived and organized to fulfill a need

for guidance in the decision making process. Part I of the *GUIDE* features a historical perspective on the early diversion movement. Part II describes a planning framework for project development and Part III isolates key problem areas in program maintenance.

B. Developmental History

This section of the *GUIDE* offers a historical perspective on events shaping the decade of experience in early diversion programming. The establishment of an employment and training program for offenders at the U. S. Department of Labor provides an interesting case study on activation techniques.³ Armed with a limited "special programs" authority in Title I of the Manpower Development and Training Act of 1962, the Department made an administrative decision to include offenders within the scope of authorized manpower services. Initially prison inmates were not considered to be part of the Act's target population; they were not specifically mentioned and were not unemployed in the technical sense.

Responsibility for the conception of a manpower program for offenders was fixed with the Office of Research and Development. According to a senior staff member at ORD, prisoners were considered manpower eligible for several reasons.

"The basic reason was economic, followed closely by and admixed with the idea of the equity of extending social services to a specially disadvantaged group. There was awareness of the fact that approximately 200,000 Federal and State prisoners were released annually, most of whom were ill-equipped to compete in the job market. Uncounted others left local institutions. This was both a loss of potential manpower to the economy and a burden on welfare and other social services."⁴

A strategy was developed by ORD in the offender manpower area to probe at the three points in the total criminal justice system where service delivery could impact with some effectiveness. These are: (i) After arrest, but before trial; (ii) At sentencing to probation status; (iii) After incarceration, but usually within six months to a year of eligibility for parole, or completion of sentence. The ORD portfolio

of experimental demonstration projects was opened in 1963 with funding of a research component to an on-going program of education and training operating at the Riker's Island jail in New York City. In 1964, inmate projects were initiated at the Lorton Youth Facility of the District of Columbia Department of Corrections and at the Draper Correctional Center, a state prison in Alabama, to test the feasibility of conducting education-skill training inside penal institutions in order to effect post-release job placement.

These projects were paralleled by an in-house study by ORD of the vocational training needs in correctional institutions. That study, *MANPOWER RESEARCH BULLETIN NUMBER 8*, found that provisions for such training were largely inadequate, and that prison industries did not serve well as training grounds.⁵ Also during this time, the focus of R and D programs was expanded by administrative authorization to make inmates on work release eligible for MDTA training grants.

Amendments to the Manpower Development and Training Act in 1966 authorized an "Experimental and Demonstration Program of Training and Education for Persons in Correctional Institutions" (Title II, Sec. 251). Its effect was to spawn a series of offender manpower programs from 1966-1970 in a variety of correctional settings with subgroups within the offender population. 1967 program initiatives included bonding support for ex-offenders, and first-round funding of pretrial intervention alternatives in the District of Columbia and New York City. The following year ORD released the Pownall Report which reinforced the hypothesis of a strong correlation between recidivism and stable employment.

Moving from the special projects approach to groupings of R and D programs, ORD in 1973 funded a second round of pretrial intervention demonstrations in nine additional cities. First phase funding was entirely with Labor Department manpower funds to be followed by second-phase support with joint funding by the Law Enforcement Assistance Administration of the U. S. Department of Justice. Capitalizing

on a decade of corrections manpower programming, the R and D portfolio was expanded to include statewide efforts at specialized job placement for ex-offenders administered by public employment service agencies in five states, and the development of plans in eight states for comprehensive manpower programs for offenders.

ORD manpower programs for offenders developed in three stages. First was the birthing of special projects followed by multiple program initiatives. Next was the technology transfer segment to facilitate changes in public policy or governmental decision making. For this purpose professional associations were engaged in the following "utilization" efforts. The American Bar Association received funds to work on the modification of statutory and regulatory barriers to ex-offender employment. A second ABA project established a clearing-house/technical assistance service to expand and strengthen pretrial intervention programs. In addition the American Correctional Association received support to give technical assistance to states desirous of implementing Mutual Agreement Programming in the area of parole.

The Comprehensive Employment and Training Act of 1973 extended the national strategy for offender programs by authorizing technical assistance efforts under Title III. Many of the ORD demonstrations have been replicated in a regional grants program sponsored by the Offender Program Unit within the Office of Community Employment of the Employment and Training Administration, U. S. Department of Labor. Most important is that CETA requires each state to develop a comprehensive program of employment and training for those in need of skill training, work experience and jobs. Offenders are obviously a group in particular need of these services. Access to CETA resources is possible in a coordinated effort between criminal justice and manpower systems. Hopefully prime sponsors of CETA programs will see this connection and accord offender programs high priority in comprehensive plans.

Advocacy for Diversion

In its 1967 report, the President's Commission on Law Enforcement and the Administration of Justice stressed the need for formalized diversion programs for mentally disabled or deficient persons, so that the most appropriate programs could be made available to them at the earliest possible point in the process: "It is more fruitful to discuss, not who can be tried and convicted as a matter of law, but how the officers of the administration of criminal justice should deal with people who present special needs and problems." The Commission recommended: "Early identification and diversion to other community resources of those offenders in need of treatment, for whom criminal disposition does not appear required."

Since the Commission report, diversion programs have been endorsed by a number of sources. The 1970 President's Task Force on Prisoner Rehabilitation recommended diverting the general offender population into experimental programs "to determine the effectiveness of pretrial counseling and supervision." Minimum Standards for Criminal Justice adopted by the American Bar Association, in that same year, urged both prosecutors and defense attorneys to explore the possibilities of early diversion. Criteria and procedures for the concept were recommended in the *COURTS AND CORRECTIONS REPORTS* issued in 1973 by the National Advisory Commission on Criminal Justice Standards and Goals. Finally, presidential support for continued efforts at diverting selected law violators was voiced by Gerald R. Ford in his June 19, 1975. "Message on Crime."

These national study groups and organizations were buttressed in their advocacy for the intervention technique by statewide associations formed in Maryland, Michigan, New Jersey and New York during 1974-1976. Their connection with the National Association of Pretrial Services Agencies could forge a solid base for expansion and professionalization of the "emerging discipline" of pretrial services.

Adjunctive to these events is the effort to legitimate pretrial intervention programs. Enabling legislation now exists in seven states and judicial rules of procedure are in force in the states of Pennsylvania and New Jersey.⁶

C. Variations in Intervention Programs

To distinguish the concept under discussion from other alternatives to criminal processing the following definition, borrowed from the National Advisory Commission on Criminal Justice Standards and Goals, is adopted for use in this guide:

"Diversion refers to formally acknowledged and organized efforts to utilize alternatives to initial or continued processing into the justice system. To qualify as diversion, such efforts must be undertaken prior to adjudication and after a legally proscribed action has occurred."

One principle associated with the innovation phenomenon that holds for the rapid growth of criminal justice diversion programs is the multiplicity of operational models. Flexibility was the password during early experimental years and has served to accommodate a wide range of program configurations. That part of the movement which has stabilized is the set of objectives to be achieved through diversionary alternatives. These are:

- To substantially increase the employability of selected defendants through the application of intensive short-term vocational counseling, employment placement services, vocational training and educational placement;
- To substantially reduce unemployment and recidivism among the defendants served;
- To assist in effecting change within the traditional justice system; and
- To remove the stigma of a conviction record for citizens who can avoid future criminality.

Pretrial intervention programs (PTI) operating within these guidelines are divided into programs both for adults and for juveniles.

Although many service aspects are similar, the procedural and theoretical differences between the criminal and juvenile justice systems are great, and the two types of programs differ considerably.⁷ Adult programs can be classified into three categories to distinguish their dominant characteristics with recognition of the potential for overlap in each.

(i) Classification by Administrative Authority

Prosecutor, court, legal defense, private community-service programs and public service agencies. Administration of PTI by any of these groups will, by the nature of the needs of each, produce fairly wide variations in practice and procedures.

(ii) Classification by Treatment Objectives

Drug treatment, employment security, alcoholism diversion, mental health services, "multi-problem" oriented diversion.

(iii) Classification by Procedural Outcome

Dismissal of charges is a salient feature of the classic PTI program. The incentive however, is not held out to all prospective divertees. In some programs a "successful" outcome may only lead to a favorable recommendation at sentencing.

Administrative Authority

Prosecutor Diversion: The best known models which are managed by local prosecutors are the Dade County PTI Project (Florida) and the Citizens' Probation Authority (Flint, Michigan).

Deferred prosecution programs have evolved from or been initiated by the need to formalize prosecutor discretion in the screening of cases coming for decision and action. The prosecutor has three fundamental responsibilities: charging crimes, settling (plea bargaining) and trying cases. Charging a person with a crime is a delicate and complex responsibility. It is delicate because not everyone placed under arrest should be charged, nor could existing court and jail facilities accommodate them all if they were tried and convicted. The

ability of the system to balance the crime problem against the defendant's best interests depends on an understanding of both community expectations and the limitations of the entire system of criminal justice.

In a significant sense, then, deciding whether to charge a crime--and the selection of charges to be made--obviously calls for the extensive use of discretion. Indeed, "prosecutorial discretion" has long been recognized as one of the major characteristics of the prosecutor's office.

The dilemma posed by traditional options to charge or close the case can be eased with the diversion alternative including procedural safeguards to guarantee the ends of justice will be served in the process.

Prosecutor diversion, then, focuses on procedure; services to defendants is a secondary goal--though prosecutor programs may have strong service-referral capacities. The need for services to defendants is of lesser importance here (and indeed many defendants need or require little service); what is important is the rationale and method for exercising prosecutorial discretion in the charging decision.

Court Diversion: This model shares with the prosecutor model a strong emphasis on procedure and the desire to reduce case backlog. Here the distinguishing feature is that prosecutors have influence if not decisional power over the PTI decision making process. However, the focus on service is likely to be greater since the judicial responsibility extends to the final disposition of criminal matters. Agencies operating in a judicial setting are: probation, pretrial release, a separate PTI program under direct judicial control or serviced by the Office of the Court Administrator.

Legal Defense: Viewed as the provider of "last resort" diversion services, defender-operated programs take on a firm advisory role. Staff functions include counseling in the diversion decision, development of service plans and referral to community-based treatment programs. Having the public defender or legal aid staff attorney involved offers a balance in the adversary system at critical stages in the pre-trial process.

Defense programs, then, usually provide legal and social services to defendants; the results of which are used at sentencing or plea negotiation to secure favorable dispositions.⁸

Private Community Groups: Many early PTI programs were operated by agencies outside the criminal justice system, usually under contract with a governmental agency or by memorandum of agreement to function in a third-party capacity with criminal justice officials. These are primarily service-focused efforts, staffed by counselors, vocational specialists and job placement personnel. Some programs have staff members outposted to courts and jails to select or recruit candidates for PTI.

The present trend is to have this function performed by regular criminal justice personnel, such as pretrial release staff, with notification of participant availability from the PTI prosecutor or judge.

Non-Criminal Justice Government Service Agencies: The best example is the manpower model operated by a state or local employment and training office.⁹ While similar to PTI programs administered by private groups, the service orientation is focused and the delivery capability more intensive since these agencies usually have direct access to training and job slots and may be able to provide funds for supportive services.

Classification by Treatment Objective

Drug Abusers: It is now generally accepted that diversionary programs were initiated to provide an alternative to prosecution, and as an experimental manpower resource strategy conceived by DOL in the late 60's and early 70's. But independently, the idea of diversion developed in other sectors in response to different needs.

In 1971 the White House Special Action Office for Drug Abuse Prevention (SAODAP) developed the concept of diversion for drug addicts under the rubric of Treatment Alternatives to Street Crimes (TASC).¹⁰ Conceptually, TASC fits within the classic definition of PTI: criminal matters are dismissed after successful participation in a drug rehabilitation program. Recruitment was to be by mass urinalysis screening of defendants in jail awaiting trial. TASC funds were restricted to use for drug-dependent defendants, and the initial focus was on heroin addicts.

The TASC program designers apparently were not aware or rejected the experiences of the early DOL projects, and did not anticipate that treatment of heroin-addicts was a high risk proposition. Many participants were likely to fail and thus face multiple charges. As a result the focus of TASC changed to permit "intervention" at pre- and post-conviction, i.e., at the point where the criminal justice system would permit drug treatment (thereby becoming a form of probation). Alcoholic defendants were excluded from these services-- unless they could be shown to be "poly-drug abusers."

Alcoholics: With the resurgent recognition of alcoholism and alcohol-abuse as the nation's most serious drug problem, diversion systems and programs were developed with the service focus on detoxification efforts. Usually eligibility is restricted to status violators or those charged only with alcohol-related misdemeanors. Numerous law reform efforts to decriminalize the problem of chronic alcoholism removed status "offenders" from criminal justice control and provided statutory procedures for diversion of misdemeanor

alcoholics (New Jersey's Alcoholism Treatment and Rehabilitation Act 1976).¹¹

Employment Security: Programs initiated by DOL naturally focused on defendants in high unemployment categories: young males out of work charged with property or economic crimes. Counselors and career job developers readied defendants for employment, and placed referrals in jobs. Charges were usually dismissed.

These initial programs were all administered by non-criminal justice agencies working by agreement with prosecutors and judicial officials, but not as part of regular court services.

The use of DOL funds restricted eligibility in these programs to the unemployed. However, by the time DOL funding phased out in 1973, this criterion was relaxed so that today many if not most of these programs are geared to service "multi-problem" cases.

Multi-Problem Cases: This type of program developed with LEAA funding under the aegis of courts or allied probation departments. The thrust is strongly service oriented, but the model recognizes that defendants come in all sizes, colors, and ages and with a multiplicity of problems demanding attention. While direct service is usually limited to personal counseling (and sometimes direct vocational counseling and career development), the programs rely on effective community referral to other agencies supplying specialized services.

D. Practical Experience: Problems and Issues

Much time, energy and money has been expended in applying the pretrial intervention concept to operational environments. In the process, planning strategies are fully tested by external and internal forces then, by design of default, are reshaped on the basis of actual program experience. This is to be expected in social experiments conceived to correct deficiencies in a legal system, its participants and the community at large. So it is with diversionary alternatives

targeted to reverse and impact the flow of cases at certain intervention points in the criminal justice process. The expectations are that a structured system is needed to insure: (i) an equitable decision making process; (ii) equal treatment for a heterogeneous population; (iii) accountability in program performance; (iv) protection of participant rights and policymaker responsibilities; and, (v) documentable results.

The balancing of these principles has been a source of concern to all parties privy to the early diversion concept. Some of the related problems and issues can be identified and resolved early in the planning stage while others are negotiated after a particular crisis situation develops. To assist planners in the development of experience-oriented diversion models, these considerations, keyed to external and internal forces at work in shaping program methodology, are offered:

External Factors

Philosophy

- (i) Expansion of Social Controls is a complaint often leveled against pretrial intervention programs. At issue is the tendency to over-utilize the concept by diverting persons who otherwise would not be dealt with by the justice system. To safeguard against abuses of this nature, legal procedural safeguards are recommended at the screening/intake stages to exclude persons for whom prosecution is questionable.
- (ii) Target Population is a control on eligibility criteria when fixed on the basis of offense-oriented and personal considerations. Policy on program eligibility runs the gamut from open-ended admissions and exclusionary criteria to selected segments of the general offender population. Decisions will involve the prosecutor, judiciary and defense bar depending on who has lead responsibility for program referrals.
- (iii) Differential Treatment for divertees in need of varying levels of supervision and service is a strategy gaining acceptance in the diversion community. It becomes a primary consideration in determining the population to be served and planning for utilization of scarce treatment resources.

Policy

- (iv) Systems Approach in the delivery of services is a concept to facilitate coordination of pre-trial service agencies and resources. No operational model exists, but in theory a designated agency would be responsible for a wide range of referral options and support services to defendants at the pretrial stage (e.g. pre-arrest citations, recognizance programs, supported work, diversion alternatives).
- (i) Exercise of Discretion is a function that follows the power to initiate the charging sequence or set limitations on social conduct. Typically authority is vested in the prosecutor and courts, respectively, and depending on the legal status of the prospective diver-tee, one or the other will control entry and exit decisions.
- (ii) Program Administration options vary as projects are situated at various locations within and outside the criminal justice system. The question as to which agency model works best has yet to be decided by program evaluators. A trend seems to be developing whereby pilot projects sponsored by private organizations become institutionalized within the justice system, usually as part of local probation departments.
- (iii) Sanctions to formalize diversion procedure and policy have been adopted by several states in the form of enabling legislation, judicial rules of procedure, and definitive standards and goals. The push for program authorization usually develops after an adequate period of demonstration work has occurred.
- (iv) Accountability in diversion operations serves to demonstrate the credibility and integrity of the program. Reporting, budgetary controls, checks and balances in the screening, intake and administrative components are several of the forms used.
- (v) Institutionalization of demonstration projects requires a decision be made on continuation of the service as an integral part of the criminal justice apparatus. To be reconciled are political and economic realities

that often will have a direct bearing on the outcome.

Internal Factors

Process

- (i) Planning--Important considerations are the early involvement of key criminal justice officials responsible for detention facilities, criminal information systems, and prosecution, defense and judicial functions. Also, assessments should be made of the population to be served, their service needs and resources available in the community. Further, operating policies and procedures should be developed and approved by participating organizations.
- (ii) Administration--Once a staffing pattern has been developed, guidelines should be drawn for hiring, retaining and dismissing personnel. Another consideration is the staggering of staff acquisitions according to functional responsibilities. Pre-service and employee development plans should also have priority. Finally, job descriptions should be written for each position in advance of hiring program staff with due regard for affirmative action and equal employment opportunity regulations.
- (iii) Implementation--A bookkeeping system should be installed for tracking of program expenditures early in the life of the program; a data gathering process operational; inter-agency working agreements firmed up; and, timetables established for pertinent work tasks.

Results

- (i) Information Systems should be programmed to collect and analyze data on population characteristics, staff performance, case dispositions, distribution of resources and their utility in the treatment objectives, and cost/benefit analysis. Data needed to guide management and decision making should receive priority consideration.
- (ii) Research should include a capability and capacity, either in-house or independently, to evaluate program consequences on the

participants, justice system and community at large.

- (iii) Cost Benefits, both external and internal, should be assessed and documented in relation to program goals and objectives.
- (iv) Impact, or diversion results should be measured, in terms of changes in the participant, criminal justice system and target community.

PART I: FOOTNOTES

1. Directory of Criminal Justice Diversion Programs, 1976, compiled by the ABA National Pretrial Intervention Service Center, Washington, D. C.
2. Prototype models are Project Crossroads (Washington, D. C.) and the Manhattan Court Employment Project (New York City).
3. Roberta Rovner-Pieczenik, The First Decade of Experience: A Synthesis of Manpower R and D Projects in Criminal Justice and Corrections (1963-1973), prepared for the U. S. Department of Labor, April 1973.
4. "A Case Study: Development and Implementation of a Manpower Service Delivery to the Criminal Offender in the U. S." Paper prepared by Dr. Charles W. Phillips for the Intergovernmental Group on Social Policy of the Organization for Economic Cooperation and Development.
5. Results of a recent survey of prison industries are reported in Vocational Preparation in U. S. Correctional Institutions: A 1974 Survey, prepared for the Labor Department by Battelle Columbus Laboratories, Columbus, Ohio, December 1975.
6. State laws and their dates of enactment are: Connecticut (1973); Florida, Massachusetts and Washington (1974); Colorado, Arkansas and Tennessee (1975).
7. Examples of juvenile diversion models are described in Juvenile Diversion: Phase I Report of the National Evaluation Program, LEAA National Institute of Law Enforcement and Criminal Justice, September 1976. Also see, Juvenile Diversion: A Selected Bibliography published by the NILECJ, July 1976.
8. A representative pilot project is operated by the Legal Aid Society of New York.
9. A representative project is sponsored by the Georgia Department of Labor.
10. Presently there are 37 TASC projects operating in 30 states with LEAA funding support. Since program inception in December 1972 approximately 27,000 drug addicts have participated in TASC treatment projects.
11. Alcoholic diversion guidelines are presented in Diversion of the Public Inebriate from the Criminal Justice System, LEAA Prescriptive Package, 1973.

PART II

PLANNING FOR PROJECT DEVELOPMENT

Introduction

Planning human services delivery has become a specialized field about which endless documents have been written. Few new wrinkles have been added to the basic planning principles, but the concept has taken on new meaning in strategies of crime control,¹ energy conservation, manpower utilization,² economic stimuli and the like. Another dimension recently added is the multi-year plan for projecting service needs and resources usually over a five year period. Within the comprehensive planning model are sub-parts directing specific resources to an identified problem or situation analyzed. It is at this lower-level planning strata where project activity is described and is the point at which pretrial intervention efforts are shaped. This section of the Guide describes a process for diversion program development which accents a component for employment services. Emphasis is placed on elements dealing with: coordination of services, staff selection and training, administration and management, budgeting of program costs and evaluation.

A. A Planning Sequence

Step 1 in planning a pretrial intervention project is to formulate and reformulate the problem until the functional objectives are clearly and precisely defined and the best course of action is chosen. A clear statement of project objectives is essential to project definition, mandatory for project guidance and required for project evaluation.

Step 2 involves the location and acquisition of information on: the population to be served; the community in which the project will operate and to which intervention services will be available; the specific job market to be accessed; and, information on additional factors in or out of the target community that will influence the project (e.g. technical consultants, existing diversion alternatives).

INFORMATION NEEDS AND POSSIBLE SOURCES OF INFORMATION

Possible Source	
Information Need	State and area LEAA offices; city, county, and state manpower planning agencies; criminal justice planning agencies; corrections agencies and officials; courts; law enforcement agencies and officials; sheriff; chief of police; ex offender organizations.
Guidance on objectives and courses of action	
Community resources	Business organizations
Facilities	Volunteer organizations
Supportive services	Community Health and Welfare agencies
Public support	Local government agencies
	Civic and fraternal groups and organizations
	Education agencies and schools
	Industry and labor officials
	News media
	Professional groups and organizations
	Religious groups and organizations
Job Market	State employment services*
	Local employment services
	Private placement agencies
	Business and industry people
	Labor officials
	Chamber of Commerce*
	Economic Development office
	News media (want ads)
	Occupational Outlook Handbook (DOL).
Other factors	
Complementary programs	
Competing programs	
Funding	

*Often make job market studies.

Source: *Job Training and Placement for Offenders and Ex-Offenders, An LEAA Prescriptive Package*

Step 3 introduces the planning group. Its functions are to analyze the information and data collected, review the tentative objectives and concepts for project operation, and make any necessary revisions in the light of the information. As the objectives are established, evaluation measures must be refined and project evaluation planned, at least tentatively.

Step 4 is a listing of functions to be performed by the project and identification of activities related to overall operation objectives

and concept. One classification of the major functions is Operations, Administration, and Research and Evaluation. Another possible breakdown is:

- (i) Client operations and processing
- (ii) Planning and Project Development
- (iii) Administration, Business and Budget
- (iv) Management and Control
- (v) Evaluation

Step 5 provides that a master plan and planning schedule be prepared, based upon the preliminary plan and any new information. Staff planning areas should be crystalized and planning and implementation tasks assigned. A detailed budget completes the effort, and a strategic plan can be assembled for approval.

Step 6 ensures that the necessary organizational planning occur before a suitable organization is developed, before staff training is planned and before staff is hired. This requires an analysis of all activities and responsibilities in the form of work tasks. These tasks are organized by common characteristics or functions to indicate the groups of the organization.

Step 7 provides that interagency relations be established early in the planning process. Cooperation and assistance will be needed from the police, prosecutor, courts, corrections officials, employment service agencies, and health and welfare departments. At a minimum a directory of agencies and individuals that the project might deal with should be compiled including direct contact information.

Step 8 requires every project to have an advisory committee representative of community, criminal justice and business interests. Such a group is particularly important to a new project. The group should meet periodically with key project staff to determine the status of the project and provide advice, guidance and support.

Step 9 provides the information which public and local government officials need to show that the project in their community has value and merits support. A two-way community relations service should be established linking the public and project staff in matters of mutual interest.

Step 10 establishes procedures for record keeping, management and control. Information needs to be anticipated include project effect on individuals and the community, costs, use of funds, benefits and socio-economic data on the participants and former participants. Depending on the size of the project there may be a need for automated data processing to complement a manual system. If so, guidance will be needed on integrating research, administration and operations records.

Step 11 provides for the necessary on-going guidance for recycling the planning sequence following a period of project implementation. In advance of this task the following information will be needed:

- (i) Sources of funds and anticipated level of funding;
- (ii) Client source and intake rates;
- (iii) Client characteristics and needs;
- (iv) Changes in the job market requiring adjustments in training, placement and follow-up activities;
- (v) Availability and effectiveness of supportive services;
- (vi) Changes in other projects and in allied agencies that will influence the operation; and
- (vii) Research and evaluation requirements.

Looking to the near term future (1-3 years ahead) the following information will be vital in planning for the continuation of the project:

- (i) Potential changes in the job market;
- (ii) Potential changes in the criminal justice and corrections systems that will have an influence on the project;
- (iii) Replacement and disposition of obsolete equipment;
- (iv) Plans for expansion, contraction, relocation or curtailment of operations; and

- (v) Staff replacement and procurement, and if possible, integration into the justice system to positions with career and promotion potential.

B. Administration and Management

It is important to remember that a non-traditional approach is embodied in the early diversion concept, which by its very nature operates in the "twilight zone" of the criminal justice process. Accordingly, a hybrid program will require a healthy mix of personalities and skills to preserve its interdisciplinary character. In this context, the course of programmatic events will be guided through the project's administrative policies. These management guidelines need to be reflective of diversion policy and practice as situations will develop to test their utility and resolvent qualities. The importance of tone-setting guidelines is best exemplified in the following conflict situations known to have been experienced by established projects.

The rehabilitative and reformatory qualities of pretrial intervention are predicated on a need for change in the criminal justice system and its methods for correcting offender behavior. In this context, intervention staff will see themselves as change agents, and in the process may find it necessary to function in a participant advocacy role.

As most programs serve the justice system in an advisory capacity, there is a delicate balance to be achieved by criminal justice authorities and service providers in terms of decision making responsibilities. A discussion of potential conflict situations and their resolution should be part of the staff training program.

Another point of conflict appears in the struggle to maintain a high volume of diversion services at low cost. The bind occurs in efforts to satisfy program objectives such as the reduction in case backlog and the economics of intervention alternatives. As a result,

pressure on program administrators will be great to produce "successful" cases in large numbers to convince evaluators of program impact. Differential treatment modalities to accommodate various service and supervision needs of divertees may ease the problem situation. Otherwise, the divergence of expectations and outcome will in large measure be controlled by eligibility and caseload guidelines for a "high risk" or "low risk" population to be served.

In its purest form the intervention model functions as a pretrial rehabilitation program for selected criminal cases. The nomenclature for these programs resembles the typical screening/intake assessment/treatment sequence established for adult and juvenile delinquency cases. Correctional agencies legally constituted to perform these pre-post adjudication functions may take exception to delegation of their authority to outside organizations. Consequently, the "protection of turf" issue looms large. Its resolution brings into play a combination of politics and policies to determine the primary and secondary agencies having responsibility for diversion alternatives. The force of competing interests usually appears first at the demonstration funding stage and again when a permanent location for the project is being considered. The involvement of key officials from allied agencies early in the planning process will expose the tender areas and the prospects for negotiation of a collaborative program. Also, it is suggested that tensions can be eased by placing criminal justice administrators on the project advisory board. In this way their inputs and oversight of implementation developments can be encouraged.

Whether serviced in-house or by referral, participants will require a mix of helping services from community-based agencies. Legal, medical, health, education and employment assistance are the typical resources utilized. Attention should be given to establishing linkages with these service providers to insure coordination of efforts. Lines of coordination need to be planned with supportive service agencies and results monitored through performance contracts negotiated for services purchased. Difficulties will probably be encountered in the

areas of participant eligibility, service priority, reporting procedures, confidentiality of disclosures, and adjustment of training programs to fit the short term diversion period (3-6 months). To the extent feasible these hurdles should be cleared with top level administrators of the cooperating agencies.

Failure to incorporate a research strategy and support system as part of the overall planning effort is a common fault among pretrial intervention projects. At a minimum, management and decision-making intelligence is stifled. Recently a study of research methodologies and findings of major demonstration programs was undertaken for the National Science Foundation by Dr. Roberta Rovner-Pieczenik.³ She identified eleven general recommendations for future evaluation research which are restated below.

- First, evaluation research should be an integral part of program planning and operations.
- Second, policymakers must be educated to understand the strengths and limitations of evaluation research in the social action context.
- Third, policymakers should have an early involvement with the evaluative research process so that the end "product" is credible, useful for decision making, and satisfies expectations.
- Fourth, if research is to be designed, implemented, and interpreted in a meaningful way--and then used by policymakers--the political, economic, social, situational and historical realities of the community and criminal justice system must be understood by the evaluation team.
- Fifth, a variety of evaluative models and techniques should be explored to accommodate the diversity of questions and priorities on which research must focus. The classical experimental model is not necessarily the ideal one to replicate.
- Sixth, the collection of program data should be designed to feed back information on a continuing basis to enable adjustments

in both the program and its research design.

Seventh, the data collected should be utilized for heuristic purposes, to refine information about the conditions under which a program works best, rather than for comparative purposes across programs.

Eighth, assessment of program impact on the criminal justice system should be conducted with the same comprehensiveness as that given to program impact on the participant.

Ninth, different evaluation strategies and priorities are necessary and should be developed to meet local and national data needs.

Tenth, evaluative research should attempt to distinguish the relative effectiveness of alternative approaches on different participants.

Eleventh, a broad base of information on the operation of a criminal justice system is needed to place in perspective questions of policy pertaining to PTI.

C. Staff Selection and Training

It is generally agreed that the quality of a project depends primarily on hiring a good staff and providing incentives for their development throughout the life of the project. To assist in the recruitment and selection of personnel the master plan should include employment guidelines with a schedule indicating when each position is to be filled. Coupled to this is the preservice orientation and training plan.⁴ Since staff recruiting steps must be taken early in the planning phase, the development of an organization structure and the preparation of job descriptions are priority tasks.

A common staffing pattern for pretrial intervention projects consists of the administrator, middle management and line personnel, with part-time specialists for technical services (e.g. psychologist, expert in vocational rehabilitation, staff trainer, accountant, legal counsel, evaluation assistants).

Options for staffing a project include, but are not limited to, use of loan personnel from cooperating agencies, student interns assigned by local institutions of higher education, recipients of public service employment grants, and community volunteers.

The precise mix and qualifications of the work force will depend on the level of services rendered, operational mode of the project, and budgetary considerations. In the absence of specific experience, some assumptions will be made as to the staffing arrangement. A sample format appears below courtesy of Phyllis Groom and John M. McCreary, authors of *JOB TRAINING AND PLACEMENT FOR OFFENDERS AND EX-OFFENDERS*, an LEAA Prescriptive Package.

SAMPLE DETERMINATION OF STAFF REQUIREMENTS

I. Assumptions:

- (1) Staff is on a 40 hour week and 50 weeks a year.
- (2) The average time spent by an offender in the project is 60 days.
- (3) The follow-up period after leaving the project is 1 year.
- (4) The activity is covered by at least two staff members 24 hours a day, 7 days a week.
- (5) Average follow-up time per participant is estimated as 8 hours per year.
- (6) Individual counseling is 2 hours a week, 8 hours a month.
- (7) Group counseling is 2 hours a week per group of 10 participants.
- (8) Counselor administration time is 1/2 hour per hour of counseling.
- (9) The intake into the project is estimated as 300 offenders a year.

II. Planning Calculations:

- (1) Mean daily population in the project:
 - (a) $(300 \text{ per year}) \times (60 \text{ days each}) = 18000 \text{ man days.}$
 - (b) $(18000 \text{ man days}) / (365 \text{ days per year}) = 50 \text{ people average daily population in project.}$
- (2) Follow-up work load:
 - (a) None being followed up at start and a maximum of 300 being followed after a year, therefore maximum average number followed up the first year is 150. In the second year the maximum annual load is 300.
 - (b) The maximum possible follow-up load the first year is estimated as follows

Month	On follow-up	Month	On follow-up
1	0	7	150
2	25	8	175
3	50	9	200
4	75	10	225
5	100	11	250
6	125	12	275-300

- (c) Actual follow-up loads will be smaller because of attrition in the population being followed.

(3) Number of counselors needed for project:

- (a) Individual counseling time
 $= 50 \times 2 \text{ hrs. per wk.}$
 $= 100 \text{ hrs. per wk.}$
- (b) Group counseling time $= (50 \text{ men}/10 \text{ per group}) \times 2 \text{ hrs. per wk.} = 10 \text{ hrs. per wk.}$
- (c) Total $= 100 + 10 = 110 \text{ hrs. per week.}$
- (d) Counselor admin. time $= 1/2 \text{ of } 110 = 55 \text{ hrs.}$
- (e) Total time $= 110 + 55 = 165$
 $165 \text{ hrs.}/40 \text{ hrs./wk.} = 4 \text{ counselors needed.}$

NOTE: An alternative system is to determine the proper case load and divide it into the mean daily population. If someone has established the case load as 10 to 1, a group of 50 needs 5 counselors.

(4) Number of counselors needed for follow-up activity.

- (a) Maximum possible follow-up time the first year is $(150 \text{ men}) \times (8 \text{ hrs. per man}) = 1200 \text{ mhr.}$
- (b) Number of people needed for follow up is $(1200 \text{ mhr}/1824 \text{ hrs. per year}) = 0.67 \text{ or } 1 \text{ person.}$
- (c) Toward the end of the year the number under follow up will stabilize. If follow-up is 8 hrs. per year per man a maximum of 2400 man hours follow up would be required. Since many of the follow-up population will be lost the load should be much less and one person may be able to handle it, but he would need some help or put in a lot of overtime since 50 weeks at 40 hrs. per week gives only 2000 hrs.

III. From the above the planners can estimate that the project will need about 5 or 6 people for counseling and follow up, a ratio of about 10 to 1.

The heavy emphasis in counseling by most pretrial intervention projects requires that close attention be given to hiring for these positions. Counseling staff should possess these qualities:

- (i) Competence--the ability to do the job or learn to do it;
- (ii) Maturity and demonstrated responsibility;
- (iii) Empathy--ability to establish rapport with different kinds of people; and
- (iv) Flexibility--ability to adapt to the needs of the job.

Additional strengths would include the ability to operate in bi-lingual and bicultural situations since many referrals in some communities do not speak, read or write English and come from diverse cultural backgrounds. The counseling staff should also reflect, in rough proportion, the projected intervention population as to ethnicity and race. A well balanced staff will include women and men equipped to deal with situations encountered by multi-problem participants. Finally, the counseling staff should include--at least in a supervisory capacity--persons with professional training and experience in the field of social services. These staff members will be needed to counsel and train co-workers, handle the more complex cases, and serve as liaison to community and governmental social welfare agencies.

Staff training is essential before and during a project. The most effective staff training is that conducted at the project site, with outside specialists or programs brought in for specific assistance. Program administrators should arrange for a practical training experience which includes:

- (i) Understanding of the philosophy, goals, and policy developed for the pretrial intervention model.
- (ii) Familiarization with the characteristics and background of the participating population.
- (iii) Orientation to the policies, practices, and personalities in the criminal justice system.
- (iv) Review of statutory laws and administrative regulations on confidentiality, offender employment restrictions,⁵

sex discrimination, personal liability, eligibility for government funded social services, and criminal court rules of procedure.

- (v) Introduction to and familiarization with supportive agencies, community services, and others having a special interest in project activities, e.g. police, courts, prosecutor, employment and training resources.
- (vi) Training on counseling methods and techniques.
- (vii) Utilization of case studies on problem-solving techniques.
- (viii) Location, development, and use of descriptive materials and visual aids that will make the project more effective.
- (ix) Development of objective means of self-evaluation and individual participant progress evaluation.

D. Interagency Coordination

As a connecting link between the criminal justice system and community services, pretrial intervention projects are in a unique position to effect interagency relationships in the delivery of supportive services to participants. A strategy for such should be articulated as a separate section in the master plan. There are a wide range of possibilities to facilitate a unified approach to sharing of information and resources among cooperating agencies. In some cases cooperative efforts are mandated (i.e., funding agency guidelines, administrative regulations, enabling legislation), and in others it is presumed to happen. Administrators of pretrial intervention services should taken an active role in planning coordination mechanisms tailored to fit the unique mission of these programs.

A continuum of efforts running the gamut from interagency cooperation and coordination to consolidation of services is suggested in the following examples.

- (i) Creation of an advisory board representative of criminal justice officials, administrators of community service agencies, and the public at

large can facilitate dialogue on interagency problems and issues. Mutual agreements of cooperation should be encouraged in this forum.

- (ii) Joint funding of demonstration projects is another method to foster collaborative programming among agencies in the public and private sectors. Such ventures are encouraged in grants program guidelines issued by federal agencies.
- (iii) Establishment of a public information office as part of the model program to open and maintain channels of communication between staff and various segments of the community.
- (iv) Issuance of an executive order by the chief elected official which sets forth guidelines for interagency sharing of information and resources. Provision can also be made for creation of a coordination council with membership qualifications, powers and duties clearly designated.
- (v) Periodic conferences scheduled at which statewide or local problems and issues can be discussed by policymakers and staff from various disciplines. The event could also serve as a training session.
- (vi) Establishment of a statewide association of pretrial service agencies to advance professionalization, research and policy objectives.
- (vii) Enactment of statutory policy which mandates, with incentives, programs of coordination among public agencies responsible for the delivery of social services.
- (viii) Regional compacts to insure the equitable distribution of resources to support statewide pretrial intervention opportunities under purchase of service contracts.
- (ix) Mutual agreements to formalize working relationships between criminal justice agencies and pretrial service programs.
- (x) Authorization by legislation or administrative directive for the establishment, maintenance and support of a

unified pretrial services agency responsible for the administration of diversionary alternatives to the criminal justice process (e.g. bail, release on recognizance, supported work projects, early diversion services).

E. Budgeting Program Costs

Funds for pretrial intervention programs may be available from a variety of federal and state sources, and the planning group should, after developing the initial planning document and during meetings with criminal justice officials, identify and begin meetings with potential funding sources. Advice should be sought from the State Law Enforcement Planning Agency,⁶ and its local counterparts to determine what program initiatives have funding priority. These are identified in the approved comprehensive plan for criminal justice administration as required under the Omnibus Crime Control and Safe Streets Act. It provides for a national grant-in-aid program under the aegis of the Law Enforcement Assistance Administration (LEAA) to improve and strengthen the criminal justice system. Another potential source of program support would be the local prime sponsor of employment and training services. These agencies are part of local government and receive federal funds under the Comprehensive Employment and Training Act of 1973 for the development and support of comprehensive "manpower" programs.⁷ Funding to the states from the Department of Health, Education and Welfare under Title XX of the Social Security Act of 1975 may be available for certain service delivery aspects of the program.⁸ And, for particular service needs (e.g., alcohol-abuse or drug-abuse treatment) funds may be available from HEW's National Institute on Alcoholism and Alcohol Abuse (NIAAA) or LEAA's Treatment Alternatives to Street Crime program.

It is often possible to secure several grants from government agencies to make up a joint funding package for the diversion program. Although doing so will require considerably more proposal writing and reporting during program operation, integrated funding allows

planners to tailor the program to local needs without altering the concept completely to suit a single funding agency's requirements. For example, TASC funds may only be used for drug-abusing defendants. If a TASC grant is combined with one from CETA for employment-counseling services, and from the state law enforcement planning agency for justice system administrative components, it will be possible to operate a program that can enroll and service a broad range of defendants.

Private foundations, particularly small local foundations, may have a strong interest in a local crime control problem or a particular program initiative and can serve as a flexible source of funds, especially if approached for relatively small amounts for initial planning or start-up costs.⁹

While federal or private foundation funds are usually easier to secure than local government revenues, it is of crucial importance that local, county or state funds be sought for program support at the outset. Usually such funding will be required to match federal dollars, and as the ultimate goal must necessarily be the institutionalization of the program with complete local funding, the best course of action is to secure the greatest possible contributions from the local government in the beginning. Though federal funds may continue to be available for several years, a local funding commitment will minimize the possibility--and often probability--of a program's demise before a reasonable period of operation has been completed (3-5 years).

In order to secure funding from multiple sources and to facilitate later local funding, takeover program budgets should be kept as slim as possible. For private programs, it is wise to consult with local government to establish staff salaries at acceptable levels. Problems have been encountered when federal funds are no longer available to support staff salaries which have exceeded pay scales authorized by civil service agencies for comparable positions.

A variety of techniques can be used to keep funding levels down. Seek out the donation of used furniture from a local corporation to eliminate the cost of new items. Ask for the temporary loan of court-service personnel to work with the program, or seek the assignment of counselors, even part-time, from social service agencies. A particularly good technique for supplementing small counseling staffs is to use graduate-student interns from schools of social work, criminology and psychology. These students, usually highly skilled and dedicated, can often be hired at little cost. Most schools, however, will require on-site supervision by an experienced professional counselor. Therefore, it is good economics to invest in hiring a highly qualified and experienced counseling supervisor--perhaps from the school from which the interns will be sought.

Sample budgets to support employment and drug addict diversion projects were produced by the Correctional Economics Center of the American Bar Association Commission on Correctional Facilities and Services. The task was part of its overall mission to analyze and estimate the costs of implementing corrections standards recommended by the National Advisory Commission on Criminal Justice Standards and Goals. A condensed version of the Center's budgetary analysis of pretrial diversion costs is reproduced here in the form of sample budgets with commentary to explain how cost estimates were computed.

COSTS INCURRED BY DIVERSION ACTIVITIES

Three types of costs are incurred by diversion activities--criminal justice system public expenditures, most of which will appear in the budgets of criminal justice agencies; external costs borne by non-criminal justice agencies and private individuals or groups; and opportunity costs, associated with the fact that when one activity is undertaken, another is foregone. In the sections which follow, each of these types of costs is first discussed separately. A concluding section discusses the total costs (which includes all three types) for diversion activities providing different kinds of services.

CRIMINAL JUSTICE SYSTEM PUBLIC EXPENDITURES

Criminal justice system costs for diversion include direct outlays for, or the imputed value of, goods and services provided by: law enforcement agencies; courts; legal services agencies, bureaus or firms; other agencies, organizations or individuals whose stated mission could not be carried out if there were no crime; and activities of organizational units or individuals financed by any of the above. Because diversion activities are primarily financed through governmental sources, the costs estimated here are called criminal justice system "public" expenditures.

Employment Diversion

A set of criminal justice cost estimates in the form of a sample budget for an employment diversion activity designed to serve 260 clients in a year is shown in Figure 2. In interpreting these cost estimates, the following features of the sample budget should be noted:

- These cost estimates are intended to be applicable to a diversion activity regardless of the sponsoring agency. They are based on activities locally initiated and implemented, but should also be useful in planning local components of statewide diversion activities.
- Cost data from exemplary models of employment diversion, specifically seventeen Department of Labor-sponsored activities, were collected and used in preparing these estimates. Costs are based on a three-month diversion period which is typically for clients in these activities.

Figure 2

Sample Budget of Annual Criminal Justice Expenditures for an Operational, Employment Diversion Activity^a

ITEM	AMOUNT (1974 DOLLARS)		PERCENT OF TOTAL COSTS ^e
	AVERAGE LOW	AVERAGE HIGH	
PERSONNEL SERVICES			
Wages and Salaries			
1 Administrator	\$ 14,700	\$ 21,600	7.4%
1 Career/Job Developer	8,200	12,700	4.3
7 Counselors (\$9600-12,800 per counselor)	67,200	89,600	32.2
3 Screeners (\$8900-10,800 per screener)	26,700	32,400	12.1
1 Data Analyst/Researcher	11,000	15,800	5.5
1 Secretary/Receptionist	6,600	9,500	3.3
1 Accountant, Half-time	5,700	8,100	2.8
Total Wages and Salaries	140,100	189,700	(67.7)
Fringe Benefits (15 percent)	21,015	28,455	10.1
Overtime	1,000	1,400	0.5
TOTAL PERSONNEL SERVICES	\$162,115	\$219,555	(78.3%)
OTHER DIRECT COSTS			
Travel	\$ 6,600	\$ 9,000	3.2%
Consultants	1,400	2,000	0.7
Supplies and Equipment	6,600	9,000	3.2
Duplication Services	1,400	2,000	0.7
Rent, Utilities, and Maintenance	12,000	16,300	5.8
Communications	4,600	6,200	2.2
Administration	6,200	8,400	3.0
Bonding and Insurance	400	600	0.2
Clients Emergency Fund	3,500	4,800	1.7
Miscellaneous	2,000	2,800	1.0
TOTAL OTHER DIRECT COSTS	\$ 37,500	\$ 51,300	(21.7%)
TOTAL ANNUAL CRIMINAL JUSTICE EXPENDITURES			
	\$206,815	\$280,655	100.0%
AVERAGE COST			
At Design Capacity of 260 Clients Per Year ^b	Per Client Year	\$ 3,182	\$ 4,318
	Per Client	\$ 795	\$ 1,079
At Actual Total Clients Served of 250 Per Year ^c	Per Client Year	\$ 3,309	\$ 4,490
	Per Client	\$ 827	\$ 1,123
Per "Successfully" Terminated Client at 200 Per Year ^d		\$ 1,034	\$ 1,413

^aThis budget includes only those costs of an employment diversion activity which are borne by the criminal justice system. Excluded are the costs of services typically provided outside the criminal justice system--such as manpower training, aptitude testing, GED tutoring, and vocational testing. These services to which diversion clients are referred are treated as external costs. Also excluded from the above budget are opportunity costs of diversion, including the individual's loss of the right to a speedy trial and any potential risk to society of increased crime committed by diversion clients.

^bDesign Capacity associated with this sample budget for an employment diversion activity is 65 clients being served at any one time, with a typical client's tenure of three months for a total maximum number of 260 clients served annually. See the text for more discussion.

^cSee the text for the rationale behind "actual per client" and "per successful client" estimates.

^dA "successfully" terminated client is one against whom charges are dropped as a result of his participation in the diversion activity.

^ePercentages for the high and low estimates are not identical because of rounding; those shown here are the average for the two groupings. Percentages may not add to 100 because of rounding.

- The sample budget is for an on-going operational activity and as such excludes the higher start-up costs.
- For each budget item, two estimates are given, an average high and an average low; neither represents the extreme. The costs of three out of four similar activities are expected to fall within the sample budget's range.¹
- The sample budget includes only those expenditures incurred by the criminal justice system in the operation of a diversion activity. Excluded from this budget are external costs for services outside the criminal justice system to which the diversion client may be referred (such as job training) and opportunity costs to society and to the individual.
- Diversion activities, like most criminal justice functions--and most governmental services--are labor intensive. Thus a high percentage of a diversion activity's budget goes for personnel expenditures.
- Certain budgetary trade-offs occur. For example, consider the trade-off between rental costs and travel: if a diversion office is located in a neighborhood safe for night counseling sessions, near public transportation and the courts, rent will probably be higher but travel costs lower.

As a result of the cost analysis reflected in the sample budget shown in Figure 2, a typical, operational, employment diversion activity serving approximately 260 clients per year is estimated to cost the criminal justice system between \$206,815 and \$280,655 annually. Analysis of cost variation across the projects surveyed, which ranged in size from 180 to 885 clients served per year, did not indicate any systematic average cost differentials (higher or lower) which could be attributed to scale (total persons served). Therefore average cost estimates based on this sample budget, discussed below, are expected to approximate the average costs of activities which vary in scale over the range surveyed. (In more technical economic terms, no "economies of scale" were discovered; long run "marginal costs" equal average costs, allowing for some factor indivisibilities discussed below.)

¹When "range of costs" is discussed subsequently in this report, it refers to the range between these two average high and average low cost estimates. Thus such discussion also excludes extremely high or extremely low average costs.

A cost analysis is concerned not only with total activity costs, but also with the average costs per service unit. Because the goals of diversion activities are to provide services to clients, the number of clients served is the "service unit" for which average costs are estimated. There are many approaches to measuring these averages or "per client" costs for a diversion activity. Five are estimated with the sample budget shown in Figure 2 and discussed below:

- Average cost at design capacity per client year and per client,
- Average cost at actual capacity per client year and per client, and
- Average cost per "successfully" terminated client.¹

The diversion activity presented in the sample budget is designed to provide a client with three months' service and to accommodate up to 65 clients at any one time. Thus the maximum potential or annual "design capacity" of this model activity is 260 clients per year.²

Most programs, once they are accepted by the local prosecutors and judges, tend to operate near capacity. Thus the estimate of actual number served shown with the sample budget is near, but not quite at capacity (250 or 96 percent capacity), to illustrate that enrollment below design capacity will increase the average costs (at design capacity, \$795 to \$1,079 per client; at actual capacity, \$827 to \$1,123 per client). The higher costs for operating below design capacity are due to the indivisibility effects of the resources mobilized in a diversion effort. For example, it is impossible to adjust the amount of the office space rented, the number on the staff and the hours per week for which staff is paid, in response to the week-to-week fluctuations in the number of diversion clients to be served.

¹In no case does the base for the average represent the expected flow of people through the sample activity during 1974. To include both clients terminated during the first week of 1974, who received services primarily covered in 1973's budget, and clients enrolled during the last week of 1974, who will receive most services during 1975, would be to underestimate the per capita costs of providing diversion services.

²These design capacity estimates are based on the actual enrollments per month and the caseloads per counselor of activities surveyed. It is assumed that a counselor's caseload responsibility includes some follow-up on former clients.

The average costs per client year are useful measures for comparing diversion activities with alternative criminal justice activities (such as the average cost per inmate year for an institutional-based program). They are estimated by dividing the total annual budget by the number of slots for clients (65 at design capacity; between 62 and 63 at actual capacity). Thus the per client year costs of diversion range between \$3,182 and \$4,318 at design capacity, \$3,309 and \$4,490 at actual capacity. The terms "design capacity" and "actual capacity" make no distinction between participants who stay the full three months and those who drop out. In fact, approximately 80 percent of the participating clients in the activities surveyed were "successfully" terminated, that is charges were dropped (by the judge, at the recommendation of the diversion activity staff) as a result of three months of participation in the diversion activity. Therefore 200 (80 percent of actual capacity, 250) is used as the base for estimating average cost per "successful" termination. Assuming this 80 percent success rate for the activity in the sample budget, the average cost per client "successfully" terminated would range between \$1,034 and \$1,413. These estimates are considerably higher than those for average cost per total actual clients served (also sometimes described as per client enrolled), which range from between \$827 and \$1,123.

The average cost per enrollee at actual capacity (\$827 to \$1,123) tends to understate the true cost of achieving the activity's goal of diverting an individual from the criminal justice system. Those who do stay receive more benefits than those who voluntarily or involuntarily drop out and thus do not have their cases dismissed. On the other hand, the average cost per "successful" client (\$1,034 to \$1,413) tends to overstate the actual cost per client since "success" is narrowly defined as the decision by the court to drop charges on the individual. A better definition would include as "successes" those individuals who drop out of the diversion activity (and so are prosecuted) but who do not recidivate and have better employment records as a result of services rendered from the diversion activity. Unfortunately, there is no data to measure the benefits these drop outs receive from their brief encounter with diversion.

Drug Diversion

A set of criminal justice cost estimates in the form of a sample budget for a drug diversion activity designed to serve 500 clients in a year is shown in Figure 3. Cost estimates are based on a survey of projects sponsored by LEAA's Office on Treatment Alternatives to Street Crime (TASC). The general discussion of features of the employment diversion sample budget, presented in the previous section, is also applicable to this sample budget.

Figure 3

Sample Budget of Annual Criminal Justice
Expenditures for an Operational Drug Diversion Activity

ITEM	AMOUNT (1974 DOLLARS)		PERCENT OF TOTAL COSTS
	AVERAGE HIGH	AVERAGE LOW	
PERSONNEL SERVICES			
Wages and Salaries			
<u>Administrative Unit:</u>			
Project Director	\$ 17,600	\$ 22,100	13.8%
Deputy Director	9,800	14,100	
Administrative Assistant/Bookkeeper	8,800	13,700	
Secretary	6,800	7,900	
<u>Intake and Diagnostic Unit</u>			
Clinical Psychiatrist	17,600	27,300	14.1
Social Worker	8,400	11,300	
Counselor	9,200	16,200	
Secretary	6,800	7,900	
<u>Screening Unit</u>			
Supervisor	10,200	11,300	16.7
Interviewers (3 @ \$8,300 and 9,400)	33,200	37,600	
Lab Technician	6,500	9,800	
Escort	7,300	8,200	
<u>Court Liaison Unit (2 @ \$8,800 and 9,800)</u>	17,600	19,600	3.0
<u>Tracking Unit</u>			
Supervisor of Evaluation	11,200	11,600	19.2
Case Managers (4 @ \$9,300 and 9,600)	37,200	38,400	
Statistical Clerk	7,300	8,400	
Records Clerk	6,300	7,400	
Secretary	6,800	7,900	(68.7)
Total Wages and Salaries	228,600	280,700	
Fringe Benefits	34,290	42,105	10.3
TOTAL PERSONNEL SERVICES	\$262,890	\$322,805	(79.0%)
OTHER DIRECT COSTS			
Travel	\$ 11,000	\$ 13,500	3.3%
Equipment	1,300	1,600	0.4
Supplies	5,700	6,900	1.7
Duplication Services	2,300	2,900	0.7
Rent, Utilities and Maintenance	14,300	17,600	4.3
Communications	3,300	4,100	1.0
Urinalyses (5,000 @ \$2.75 and \$3.00)	13,750	15,000	3.9
Miscellaneous	18,200	24,200	5.7
TOTAL OTHER DIRECT COSTS	\$ 69,850	\$ 85,800	(21.0%)
<u>TOTAL ANNUAL CRIMINAL JUSTICE EXPENDITURES</u>	\$332,740	\$408,605	100.0%
<u>AVERAGE COST</u>			
Per Client Year (250 per Year)	\$ 1,331	\$ 1,643	
Per Client Referral (500 per Year)	\$ 665	\$ 817	
Per "Successfully" Terminated Client (350 per Year)	\$ 951	\$ 1,167	

Based on the estimates shown in Figure 3, a drug diversion activity in a large city accommodating 250 clients at any time is estimated to cost between \$332,740 and \$408,605. The typical client's tenure is six months; thus 500 clients can be accepted by the diversion activity during a year for referral to drug treatment. Based on specific activities surveyed, an estimated 70 percent or 350 of these clients referred will be "successfully" terminated. "Successful" termination means they will complete the requirements of the drug diversion activity (including the requirements of drug treatment) and their cases will either be dismissed by the court or their penalties will be reduced.¹ The set of average costs associated with the sample budget shown in Figure 3 includes the following:

- \$1,331 to \$1,643 per client year;
- \$655 to \$817 per client referral;
- \$951 to \$1,167 per "successfully" terminated client.

Average costs of drug diversion activities in small towns and rural areas tend to be higher.

¹Dismissal of charges for successful clients is nearly universal in employment diversion but is less common in drug diversion. Most drug diversion activity designs, including the original plans for TASC, provide dismissal of charges but judges and prosecutors in several cities have not been amenable to this approach. Thus in 1975, only about 15 percent of TASC's pretrial clients have charges against them dropped. The pattern varies from city to city. In San Juan's TASC, all successful clients have charges against them dismissed. So do most of the successful clients in Newark's and Camden's TASC. But dismissal of charges is never the outcome for Richmond's TASC clients. In other drug diversion activities (for example, Washington, D.C.'s Narcotics Diversion Project) and in diversion activities that include drug offenses (for example, Operation Midway in Nassau County New York and Priority Prosecution Project in Denver) dismissal is more common than in TASC. However, TASC data were used in this analysis because these were the only data available and because dismissal of charges does not affect the costs incurred by the criminal justice system. H.S. Perlman, Legal Issues in Addict Diversion: A Layman's Guide (Washington, D.C.: Drug Abuse Council, Inc. and American Bar Association, Commission on Correctional Facilities and Services, 1974), p. 52; Science Systems, Inc., "Comparative Evaluation of Five TASC Projects," Report submitted to the National Institute on Drug Abuse, U.S. Department of Health, Education and Welfare, June, 1975, p. 10 (Mimeo-graphed) and interviews with Peter Regner, LEAA, Washington, D.C.; Harvey Levinson, Nassau County District Attorney's Office; Ken Wilks, Narcotics Diversion Project, Washington, D.C. and Dale Tooley, Denver District Attorney's Office, all on February 19, 1976.

Other Types of Diversion

The only other type of diversion for which criminal justice costs have been calculated is conflict intervention. Conflict intervention can be described as a form of diversion which typically occurs at the first point of contact with the criminal justice system when police are called in to settle a dispute.¹ Costs of conflict intervention include training police officers in crisis management (about \$1,000 per officer) and expenses incurred each time a case is handled (about \$27 per case).

EXTERNAL COSTS

External costs associated with a diversion activity will depend on the needs of each client and the types of services provided to fill those needs. Typically, the non-criminal justice costs of providing services to diversion clients do not differ from providing services to the general public. External cost estimates for employment diversion are shown in figure 4 on page 48. These may exceed criminal justice expenditures. For example, the diversion activity may cost up to \$1,079 per client; the job training may add up to \$2,400 per client, for a total of \$3,479. A similar relationship between criminal justice expenditures and external costs exists in other types of diversion. External costs of various types of diversion are:

- For drug diversion, between \$515 and \$1,813 per client;
- For alcohol diversion, between \$53 and \$1,274 per client stay;
- For mental illness diversion, between \$5 and \$73 per client day.

The wide range in each type of external costs is due to a wide range of treatment modalities. For example, in the case of costs for drug treatment shown in figure 5 on page 49, the lower estimate is for a drug-free residential community.

¹Corrections, pp. 80-81.

²Training costs are from preliminary results of an LEAA evaluation of crisis management in several U.S. cities. The \$1,000 estimate includes both the time of the officer and the costs of professional instructors and materials. Interview with Louis Mayo, LEAA, Washington, D.C., 8 October 1970. Average cost per case is based on data from the Night Prosecutor Program in Columbus, Ohio, presented in Office of Technology Transfer National Institute of Law Enforcement and Criminal Justice, Exemplary Programs (Washington, D.C.: U.S. Department of Justice, Law Enforcement Assistance Administration, April 1975), p. 7.

Figure 4

Estimates of External Costs Incurred as a Result
of Employment Diversion Referrals

SERVICE	COST PER CLIENT (1974 dollars)
Psychological Testing	\$ 75
Psychological Counseling 5 hours @ \$40/hour	\$200
Legal Assistance 1 hour @ \$25/hour	\$ 25
Educational Training	\$350
Vocational Training	\$2,000-\$2,400

Source: Atlanta Pretrial Intervention Project, "Proposal for Action," Atlanta, 1975, (Mimeographed), and J. Blackburn, U.S. Department of Labor, interview with A. Watkins, 14 May 1975.

Figure 5

Estimates of External Costs Incurred as a Result of
Drug Diversion Referrals to Drug
Treatment Projects, by Treatment Modality

MODALITY	COST PER CLIENT YEAR (1974 dollars)	COST PER CLIENT
Drug Free Residential Community	\$6,254	\$1,813
Outpatient Abstinence Clinic	\$1,278	\$ 592
Day-Care, Drug- Free Project	\$2,750	not available
Outpatient Methadone Treatment Center	\$1,300-\$2,100	\$ 515
Residential Methadone Maintenance Project	\$5,135	\$1,000

OPPORTUNITY COSTS

The opportunity costs of diversion are difficult to quantify in dollars. Often they depend on the local circumstances. The diversion client, pays a high opportunity cost if he or she must give up certain rights (such as a speedy trial) in order to participate. Such issues are of increasing concern to decision makers.¹ Also of concern to decision makers are the opportunity costs paid by society as a result of implementing diversion activities, such as any increase in crime committed by diversion clients. (The increased risk is estimated to be minimal.²)

TOTAL COSTS OF DIFFERENT TYPES OF DIVERSION

The decision maker should consider (and his analyst should estimate) the total costs of diversion, including external costs and opportunity costs and not just criminal justice expenditures shown in budgets. Putting together information in previous sections:

- Based on available data, criminal justice expenditures per client for employment diversion range between \$795 and \$1,079, for drug diversion between \$655 and \$817.

¹See Perlman, Legal Issues in Addict Diversion: A Layman's Guide and H.S. Perlman and P.A. Jaszi, Legal Issues in Addict Diversion: A Technical Analysis (Washington, D.C.: Drug Abuse Council, Inc. and American Bar Association, Commission on Correctional Facilities and Services, 1975); M.R. Biel, Legal Issues and Characteristics of Pretrial Intervention Programs (Washington, D.C.: American Bar Association, National Pretrial Intervention Service Center, 1974); Nancy E. Goldberg, "Pretrial Diversions: Bilk or Bargin?" National Legal Aid and Defenders Association Briefcase 31, p. 490; Daniel L. Skoler, "Protection of the Rights of Defendants in Pretrial Intervention Programs," American Bar Association, Resource Center on Correctional Law and Legal Services, Washington, D.C., 1973; and National Pretrial Intervention Service Center, Legal Opinions on Pretrial Diversion Alternatives, Kramer v. Municipal Court 49 C.A. 3rd 418, Information Bulletin No. 1, August 1975.

²See Roberta-Pieczenik, Pretrial Intervention Strategies: An Evaluation of Policy-Related Research and Policy Maker Perceptions (Washington, D.C.: American Bar Association, Commission on Correctional Facilities and Services, National Pretrial Intervention Service Center, 1974), p. 231.

D. Evaluation

Programs have a choice in the methods for testing their efficiency and effectiveness. If the commitment is strong an empirical research study will be conducted. A moderate interest will probably result in a process evaluation of intervention program operations. Opting to do the minimal assessment usually turns out a descriptive analysis of the activity. This is not to say that all programs should conduct the classical experimental model. There are strengths and limitations of evaluation research in the social action context. Moreover, the cost of performing an in-depth evaluation of pretrial intervention services is substantial, and many programs are not high volume operations that would justify a full scale assessment. To be sure, there is a middle-ground that argues in support of the capability to assess the extent to which program goals and objectives are realized.

Planners in formulating the substantive evaluation design and its supporting budget are advised to include a system of data collection sufficient to accommodate the diversity of questions and priorities on which research must focus.

As part of the initial planning process, planners should obtain from local and state judicial and law enforcement authorities, basic data about arrest and convictions in the target jurisdiction. In presenting participant eligibility criteria, this data should be used to establish baselines against which the program can be measured. For example, if the program intends to accept all adult defendants charged with simple assault and battery, the plan should specify the number of persons--by race, sex and age--arrested in the jurisdiction during the prior year, and predict that the program will enroll a certain percentage of such defendants.

If rearrest and reconviction data are available, it should be used to establish a baseline for successful PTI participation. If a certain percentage of the target defendant population was rearrested,

the program should state its intention of producing a population of dismissed cases with a lower rearrest rate.

Whether or not valid data are available, the plan must establish goals for numbers of entries and numbers of cases successfully completing the program. It is considered important, also, to define "success" in terms of defendants, who after dismissal, do not return to the criminal justice system through rearrest.

Data collection forms should be designed to produce essential information on program operations. The forms of established programs should be used as examples. At minimum, however, the data must show the number of defendants processed through each stage of PTI proceedings, as well as the sex, race, age, charge, prior record and employment history of each defendant. These data are likely to be significant in determining defendant success or failure. Such data are also essential to the life of the program; without them the program will be unable to produce documents that can be used to convince officials that the program is functioning and worthy of continuation. And good longitudinal reporting can be used to convince criminal justice decision makers to permit the expansion of eligibility criteria to include cases of a more serious nature.

Planners should understand that reaching solid conclusions about the effectiveness of the PTI program is, as a practical matter, not possible. The techniques, constraints and controversies in the design and application of control and comparison group testing is covered by Dr. Pieczenik in her report titled, PRETRIAL INTERVENTION STRATEGIES: AN EVALUATION OF POLICY-RELATED RESEARCH AND POLICYMAKER PERCEPTIONS. Nevertheless, some rudimentary form of comparison should be planned. The fundamental issues should be explored and an understanding reached with both the funding agencies and criminal justice officials before the plan is finalized and the PTI program is implemented.

PART II: FOOTNOTES

1. Quantitative Tools for Criminal Justice Planning, Law Enforcement Assistance Administration, Washington, D. C., 1975.
2. Manpower Program Planning Guide, U. S. Department of Labor, Washington, D. C., April 1974.
3. Roberta Rovner-Pieczenik, Pretrial Intervention Strategies: An Evaluation of Policy-Related Research and Policymaker Perceptions, Lexington Books, Lexington, Massachusetts, 1976.
4. See, "The selection and Training of Advocates and Screeners for a Pre-Trial Diversion Program," The Court Resource Program, Boston, Massachusetts, 1972; "Manual for Volunteer In-Service Training," Palm Beach County Pre-Trial Intervention Program, West Palm Beach, Florida 1975.
5. Removing Offender Employment Restrictions: A Handbook, ABA Clearinghouse on Offender Employment Restrictions, Washington, D. C., March 1976.
6. For a listing of LEAA State Planning Agencies and report on crime control program developments, see, "State of the States on Crime and Justice," National Conference of State Criminal Justice Planning Administrators, Washington, D. C., May 1976.
7. A Guide to Seeking Funds from CETA, U. S. Department of Labor, Employment Standards Administration, May 1976.
8. Using Title XX to Serve Children and Youth, Child Welfare League of America, Inc., New York, New York, April 1975.
9. The Foundation Directory, Edition 5, The Foundation Center, New York, New York, 1975.

PART III CRITICAL ISSUES

A. Legal Analysis

Stripped of its innovative qualities, the concept of pretrial intervention becomes a pre-adjudication intake center servicing the criminal justice system. While juvenile courts have traditionally performed this function,¹ the prosecutor is the screening authority for adult criminal cases.² The exercise of prosecutorial discretion in the charging function activates the adversary system involving the judiciary and defense counsel in formal proceedings to determine the defendant's guilt of innocence. By interposing a paralegal intervention program, certain constitutional requisites are confronted in the criteria established for eligibility, treatment and disposition of individuals afforded the alternative to prosecution.³ The subject is covered in a publication available from the ABA Pretrial Intervention Service Center under the title, *LEGAL ISSUES IN THE PRETRIAL INTERVENTION PROCESS: A GUIDE TO POLICY DEVELOPMENT*.

A sampling of legal issues to which planners should be sensitive in the development of intervention alternatives is provided on the following pages. Their inclusion is meant neither to rigidify or unduly bureaucritize the promising alternative to prosecution embodied in the PTI strategy. However, by virtue of its rapid growth and nature, pretrial intervention must be prepared to pass legal muster and enjoy an optimal legal environment if it is to make the difficult transition from "experiment" to "institutionalized" technique.

SELECTED LEGAL ISSUES IN THE PRETRIAL INTERVENTION PROCESS

<u>Situation</u>	<u>Legal Issue(s)</u>	<u>Analysis</u>
Eligibility Criteria	Constitutional principles of due process and equal protection of the laws	<p><u>Geographical Coverage</u> - preference is for state-wide program. However, discretion is with enabling authority to limit coverage within a geographical unit for reasons of administrative or economic feasibility.</p> <p><u>Race and Sex</u> - absent a compelling state interest to justify exclusion, classifications which discriminate against sex or race are constitutionally suspect.</p> <p><u>Residency requirement</u> - exclusion of non-residents, or time requirements for residence eligibility, would be constitutionally suspect as violative of access to the program.</p> <p><u>Age</u> - program is generally free to recognize age limitations and may confine eligibility to classes where the need is deemed to be paramount.</p> <p><u>Employment status</u> - criterion based on unemployment or under-employment would seem justified on basis of need. However, the authorization for programs should disregard employment exclusions altogether or allow the staff, where support service is paramount, to exercise discretion in selecting those who have a genuine need or desire for assistance.</p>

Situation

Legal Issue(s)

Analysis

Prior record - multiple or violent offenses may properly be excluded if they are poor rehabilitation risks, for protection of public safety and to promote society's interest in retributive justice.

Decision to Divert

Separation of Powers

Prosecutor is recognized as authority to divert individuals to a pretrial intervention program before they are formally charged.

Where intervention occurs after charges have been formally placed, the prosecutor function is only advisory to the judicial function of determining if prosecution is to be continued, deferred or dismissed.

Admission of Guilt

Waiver of right to plead not guilty, privilege against self-incrimination, right to trial by jury and to confrontation of witnesses

These rights may be waived, if not induced by threat, coercion, improper inducement or promise of immunity. State must show a compelling interest to obviate such fundamental rights. As to the requirement of a guilty pleas, it must be the least restrictive method available to serve a legitimate state interest. At the very least, the same procedural safeguards would be required where a defendant pleads guilty to gain entrance in a PTI program as where he/she pleads guilty in the usual circumstances.

Situation

Legal Issue(s)

Analysis

Time limitation of diversion period

Waiver of right to a speedy trial, waiver of applicable statute of limitations

Right to a speedy trial vests after prosecution is instituted through indictment or information. Law is not settled in pre-charge situations. Judgment is that absent voluntary waiver, the applicable statute of limitations and due process protection would bar undue delay after arrest but before indictment or formal charges are filed.

These waivers should be renewed if period of diversion is extended.

Legal assistance

Right to counsel

Right to counsel attaches where diversion occurs after formal charges have been initiated.

Law is unsettled on right to counsel when diversion occurs prior to the bringing of formal charges. Judgment is that to partake of diversion benefits, defendant may be electing to forego trial by jury and proof of guilt. This would be seen as a "critical" stage and thus meet the test to warrant assistance of counsel. Recommendation is that legal services be provided to protect the defendant and the prosecution.

Hearing prior to reinstatement for prosecution

Due process guarantee

Where substantial threat of loss of liberty, a due process hearing is required before the participant's status may be terminated. Opinion is that having authorized the diversionary alternative to prosecution, the state should not be able to arbitrarily and summarily revoke

Situation

Legal Issue(s)

Analysis

that authorization without meeting requirements of elemental due process.

Hearing should be conducted by a neutral and detached person. No absolute right to counsel, but that it be furnished on a case by case inquiry of necessity.

B. Political Realities

PTI programs, in order to become and continue to be operational must serve the needs of the criminal justice system. While reform-minded officials may welcome the rehabilitative thrust of the program, others will view PTI simply as a means--potentially--of lowering costs and reducing caseloads and court congestion.⁴

A primary reality is that PTI programs work with defendants who may need little rehabilitative services, simply to get them out of the system, or to take cases that might have been dismissed normally (while keeping control over the defendants) with little regard for the program's potential for working effectively towards deterring criminal conduct.⁵ Additionally, in the beginning the program is likely to receive only non-serious cases--even where rehabilitation is considered--because the PTI program must prove to justice officials that it can produce positive results.

In order to establish credibility and integrity with criminal justice authorities, many programs have deliberately geared defendant selection to take only cases that are unlikely to fail. While such selection does serve the system, a PTI program should work continuously to test its rehabilitative capabilities in dealing with defendants most in need of intervention treatment.

PTI programs composed of staff coming from outside the criminal justice community will come to realize that the system is essentially a closed one and that privately-operated programs are not likely to maintain their independence. The better course is to initially explore the options for integration and institutionalization of a private program into the justice system. Possibilities would include merger with probation departments and pretrial release agencies which are the "service arms" of the court and could maintain the PTI activity.⁶

For example, when working within a probation department, in certain jurisdictions, the hiring policies of civil-service systems may make the acquisition of experienced and skilled staff difficult. And for private PTI programs, at the point of institutionalization, civil service systems may cause the dispersion of an effective staff. To counter this problem, job descriptions setting forth personnel qualifications and skills should be built into the program at its inception. In this way it is hoped the direct experience gained by staff will be recognized and their retention as permanent employees facilitated.

Probably the most sensitive area politically for PTI programs involves the respective roles of prosecutors and judges. Many prosecutors view PTI decision making as solely within their discretion. The PTI concept, however, involves elements of "pre-trial sentencing" as well as prosecutorial discretion and does not fit easily into the traditional spheres of decision making of either courts or prosecutors. This issue has reached the Supreme Court level in New Jersey in a case titled, *STATE v. LEONARDIS*, etc., 71 N.J. 85 (1976), which held that in accordance with pertinent judicial rules the court has final decision-making authority over all aspects of PTI cases. The case, however, has been reargued and a decision is pending as of February, 1977. The reality is that both prosecutors and judges need to be involved in PTI for the program to work and to evolve into a permanent part of the criminal justice system.

C. Institutionalization Problems

Assuming that the demonstration program succeeds, i.e., is accepted by local officials and operates effectively with the criminal justice system, the next step is its institutionalization. Institutionalization, the total integration of PTI into the existing criminal process, is the program's ultimate goal.

If administration of a pilot program was the responsibility of a non-criminal justice agency (and staffed with non-regular criminal

justice personnel) as soon as PTI gains a level of acceptance by decision-makers, negotiations should begin to explore transfer options for a permanent location either within the justice system or with an appropriate community service agency. The transition will not be accomplished rapidly, and if done over a period of 1 or 2 years can be accomplished smoothly.

The transition, for example, might take the form of bringing into the program several employees from the local probation department--whose qualifications meet the program's operating style--to work alongside PTI staff. Probation officers can learn the PTI system and philosophy from the resident staff, and problems resulting from an abrupt transfer of administration are lessened.

For the program's non-civil service, non-traditional staff, plans should be made and methods devised for retaining as many as possible who can be qualified and wish to remain with the PTI program. This will likely require negotiations with the state and local civil service authorities, probation unions, etc., and the support of judges and prosecutors.

Integration of the demonstration model to a permanent court service program is virtually inevitable. After the initial experimental phase, perhaps 2 or 3 years, federal and foundation funds will likely no longer be available, and local and state government assumption of costs will become necessary. State and local governments already share the costs for court services and will be reluctant to pay for a duplicative service when the PTI function can, with minimal budgetary increases, be absorbed in the criminal justice apparatus.

PART III: FOOTNOTES

1. For a review and analysis of these decisions in the diversion context, see Maron, "Constitutional Problems of Diversion of Juvenile Delinquents," 51 Notre Dame Lawyer 22 (1975).
2. Note, "Reviewability of Prosecutorial Discretion: Failure to Prosecute," 75 Columbia Law Review 130 (1975).
3. Robert W. Balch, "Deferred Prosecution: The Juvenilization of the Criminal Justice System," Volume 38 Federal Probation 46 (1974); Daniel L. Skoler, "Protecting the Rights of Defendants in Pretrial Intervention Programs, Volume 10 Criminal Law Bulletin 473 (1974); Harold S. Jacobson and Judith T. Marshall, "Defender Operated Diversion-Meeting Requirements of the Defense Function," NLADA Briefcase (June 1975).
4. See, analysis of policymaker survey and interviews conducted by Roberta Rovner-Piecznik in Pretrial Intervention Strategies: An Evaluation of Policy-Related Research and Policymaker Perceptions, Lexington Books (1975).
5. Franklin E. Zimring, "Measuring the Impact of Pretrial Diversion from the Criminal Justice System," 41 University of Chicago Law Review 224 (1974).
6. Note, "Administration of Pretrial Release and Detention: A Proposal for Unification," Anduri and Terrell, 83 Yale Law Journal 153 (1973).

APPENDICES

A. Project Crossroads Resource Materials

- Scenario on Program Development
- Memorandum of Agreement for Juvenile Diversion Component
- Duties of Staff Screener and Information Reporting Form
- Project Research Design

B. Reports by Manhattan Court Employment Project

- Career Development Activities
- Counseling Activities

C. Reporting Forms Developed by Abt Associates, Inc. for Labor Department

- Screening Information
- Intake Information
- Case Progress Report
- Termination Record

APPENDIX A
PROJECT CROSSROADS RESOURCE MATERIALS

GENERAL SESSIONS COURT PROGRAM DEVELOPMENT

A. Negotiations

Negotiations to implement Project Crossroads in the District of Columbia Court of General Sessions began in June 1968, at which time Judge Harold H. Greene, chief judge of the court, designated Associate Judge James A. Belson to be his liaison with the project and to assist in working out the details of integrating such a program into existing court procedures.

Judge Belson called a meeting in late June to discuss the project with representatives of the various court divisions and Mr. Joel Blackwell, Chief of the General Sessions Division of the United States Attorney's Office. All participants agreed that the program was desirable and offered any assistance necessary in setting it up. Mr. Blackwell designated two assistant United States attorneys from his office to work closely with project representatives in developing an operational plan compatible with the established procedures of processing criminal cases through the U.S. Attorney's Office and which would be acceptable to Mr. David G. Bress, United States Attorney for the District of Columbia.

Over the next two months, project representatives worked closely with Judge Belson and the two assistant United States attorneys, Henry Greene and Charles Work, receiving a thorough orientation on prosecutorial and judicial operations of the court, while developing and modifying project operating procedures.

Also during this period, the project sought and received the cooperation of the District of Columbia Bail Agency which administers the government bonding program for criminal defendants in the General Sessions Court. Bail Agency interviewers screen each defendant prior to arraignment in order to make a recommendation on the defendant's acceptability for release on personal recognizance between arraignment and trial. Because access to Bail Agency screening information would enable a project representative to determine which detainees were eligible for Crossroads without reinterviewing each defendant, it was considered important to obtain this privilege for project recruiters. Mr. Robert Niles, director, and Mr. Robert Cecil, assistant director, of the Bail Agency were very cooperative in consenting to a close working relationship between Bail Agency and project staff.

By late August, operational procedures for the General Sessions phase of Project Crossroads were completed. Approval for implementation of the program was received from the Board of Judges on September 5, and from U.S. Attorney David Bress on September 6.

Following is a description of the criteria for enrollment, recruitment procedures, reporting requirements and disposition procedures approved by the judicial and prosecutorial authorities of the court.

B. Criteria

It was never anticipated that Crossroads would accept all categories of defendants into the project. Limited staff capabilities and the focus of the project precluded the enrollment of drug addicts and alcoholics. Since one of the primary emphases of the program is employment, it was also felt that a participant should be either unemployed, underemployed (e.g., earnings of less than approximately \$70 a week), desirous of part-time work if in school, or, if employed, likely to lose his job because of his arrest. It was decided, on the other hand, that if a defendant was engaged in a "hustle" which brought him a large income, it would be unrealistic, in most cases, to expect him to be very interested in participating in Crossroads. Initially, the project staff decided it could be most successful with youthful first offenders, but Judge Belson pointed out that it was quite unusual for a youth from the inner city to be a first offender. It was subsequently agreed

that the project should attempt to accept those youths who had not "served time" and who had not committed crimes involving serious assaultive behavior. In keeping with NCCY's focus on youth, the age span of the population to be served was set at 18 to 26 years of age for both males and females.

The U.S. Attorney's Office made substantial changes in the proposed criteria, however. Two requirements, in particular, narrow the group of first offenders with whom the project is able to work: 1. Crossroads may not consider defendants with any prior criminal conviction, excepting only offenses prosecuted by the Corporation Counsel (i.e., disorderly conduct and traffic cases), 2. Crossroads may not enroll defendants charged with felonies or with misdemeanors involving violence, "with the possible exception of selected first offenders charged with simple assaults on relatives who have no objection to a disposition involving diversion of Project Crossroads." Defendants whom the Office of the U.S. Attorney agreed to allow Crossroads to handle were those charged with such offenses as petit larceny involving shoplifting, attempted unauthorized use of a vehicle when there is no property damage, offenses arising from family disputes when no serious injury is involved (e.g., simple assault, threats, destroying property), bad checks, and minor destruction of property. An additional prerequisite for Crossroads eligibility established by the U.S. Attorney's Office is that the defendant must be released on his personal recognizance by the court during the pre-trial period.

After two months of project operation, the criteria were extended to include unlawful entry and taking property without right, and in the last quarter of Phase I, the project was given permission by the U.S. Attorney's Office to accept defendants charged with soliciting for prostitution and, on a case by case basis, youths charged with possession of marijuana.* Defendants charged with offenses outside of the categories enumerated were accepted into the project when their attorneys were able, for one reason or another, to prevail upon the U.S. Attorney's Office to make an exception to the established criteria.

C. Recruitment

1. General

Initially it was expected that any defendants who met project criteria would be invited by the judge to speak with a project representative immediately after arraignment. This process requires, if it is determined that the defendant is eligible for participation, that the case be called again later in the day. It was decided ultimately, however, to arrange the recruiting procedures so that a defendant need appear only once in court. This change and several others were made so that Crossroads would be implemented with the least possible disruption of established courtroom procedures. By the time a defendant appears before a judge for arraignment, he has either been eliminated from consideration for the project, or both the project representative and the prosecutor recommend that he be enrolled in Crossroads. To date, with no exceptions, the judiciary has accepted these recommendations and granted the requested ninety-day continuance.

It was also considered desirable to interfere as little as possible with detention procedures. In this regard, the District of Columbia Bail Agency has been extremely helpful in making available background information on the defendants in the General Sessions Court lockup each morning. This requires only one project representative to be stationed in the cellblock to screen candidates. This screener interviews only those prisoners who, from information contained in Bail Agency questionnaires, appear to be good prospects for project participation.

*A list of the offenses falling within the Project Crossroads criteria as of May 15, 1969, is presented at

2. Sources

Project participants are recruited from three sources: defendants who are detained in the court cellblock prior to arraignment, defendants whose cases are already in the pre-trial stage and who are referred by defense counsel or assistant U.S. attorneys, and defendants summoned to court by citation.*

Lockup cases account for the largest proportion of Crossroads enrollees and is the group on which direct recruitment efforts are focused. In the early months of project operation, however, referrals by both defense and prosecuting attorneys of cases which originated before the commencement of Crossroads and which were still pending trial supplied most of the participants.

As the reservoir of eligible pre-Crossroads cases remaining on the court docket diminished and almost all new defendants appearing before the court were screened by the project prior to arraignment, pending cases accounted for a decreasing share of project enrollment. In the second half of Phase I, they consisted of defendants who originally were determined ineligible because of a minor liability which subsequently was removed (e.g., when first interviewed was allegedly under a doctor's care and unable to work), or who initially did not meet the offense criteria but whose attorneys were able either to get the charge reduced or to prevail upon the U.S. Attorney's Office to make an exception in their client's case.

Citation cases account for the smallest proportion of project participants, for two reasons. First, citations are issued most frequently in traffic cases and are thus outside of the U.S. Attorney's jurisdiction. Secondly, the defendant who qualifies for a citation is more than likely to be older than 26 years (the project's age limit), employed satisfactorily, and fairly certain of having his charge dropped.

3. Procedures

As noted previously, most recruiting is done from among those defendants who appear in lockup. Each morning a representative of the project reviews Bail Agency questionnaires in the cellblock where prisoners are held prior to arraignment. A preliminary screening sheet is completed on each potential participant and brought to another project representative in the U.S. Attorney's Office. This information is then available when an assistant U.S. attorney refers the case to the project representative so that a decision as to eligibility can be made on the spot.

Because the Crossroads representative sits with the prosecutor while the potential participant's case is being "papered" (i.e., when formal charges against a defendant are being drawn up), he can discuss the case with the arresting officer and read the statement of facts should circumstances surrounding the offense be important.* He can also view the defendant's prior record, if any, without the necessity of contacting and receiving clearance from the police identification bureau. In most cases, however, the latter

*When a citizen is arrested for a misdemeanor he is taken to a precinct and booked. He may then post bond or be held in detention until arraignment the next morning. Lately, in some misdemeanor cases, police have been verifying information given by the defendant and then releasing him on his promise to report to court on the arresting officer's next scheduled day in court.

**For example, it might be important in the case of an unauthorized use of a motor vehicle charge to know if the defendant appears to be a professional car thief who works as part of an organized ring and who would, therefore, be unlikely to be satisfied with a job paying \$1.60 per hour; or to take the other extreme, if he were a passenger in an automobile taken by teenagers for a joyride and abandoned in the same city a few hours after the theft.

information already has been included on the screening sheet by the project's cellblock interviewer, who has access to the Bail Agency's copies of defendants' police records.

After reviewing this information, the representative then decides if the defendant meets Crossroads' criteria. If he does, and if the assistant U.S. Attorney papering the case agrees, the latter signs a yellow card which states that the government has no objection to a ninety-day continuance in the case. The Crossroads representative keeps the card and then checks with Bail Agency personnel to ascertain if the defendant will be recommended for personal bond and if his address and other information given in the cellblock interview have been verified by the Agency.

The representative then goes to the courtroom to see which defense counsel is appointed to represent the potential participant. He explains the Crossroads program, including the necessity for a ninety-day continuance in the case. The Crossroads representative keeps the card and then checks with Bail Agency personnel to ascertain if the defendant will be recommended for personal bond and if his address and other information given in the cellblock interview have been verified by the Agency.

The representative then goes to the courtroom to see which defense counsel is appointed to represent the potential participant. He explains the Crossroads program, including the necessity for a ninety-day continuance, to the defense counsel, and if the latter agrees to his client's participation, the project representative visits the cellblock to verify the defendant's willingness to participate. At this point, the defendant is given a prospectus which outlines the benefits and obligations of the program and is asked to report to the Crossroads office as soon as he is released.

Finally, the representative then returns to the courtroom and attaches the yellow card to the prosecutor's papers so that the assistant U.S. attorney in court when the case is called will know the defendant has been approved for Crossroads participation. The government will then concur in defense counsel's motion for a continuance when the case is called, and the defendant, when the motion is granted by the court, becomes an additional official project participant.

Recruitment in the Court of General Sessions is very aggressive. Project representatives usually do not wait for an assistant U.S. attorney to bring a case to their attention. Using the information gathered in the cellblock, the recruiters call any potential cases to the attention of the prosecutors papering the cases so that few, if any, eligible defendants slip through the screening process.

D. Reporting Requirements

The U.S. Attorney specifically requested the project to submit biweekly reports on each enrollee. These reports serve two purposes. First, it was felt that a series of reports would make it easier for the prosecutor to ultimately decide on whether or not the participant's progress warranted a nol-prossing (termination of criminal prosecution) of the charges. Second, it was decided that if the biweekly reports indicated a significant lack of cooperation or any further alleged misconduct, then the trial date would be advanced.*

Implicit in the request for biweekly reports was a desire on the part of the U.S. Attorney to see how the project operated--to see what was being done for the participants and how much contact there was between the project and its enrollees. With these considerations in mind, it was decided that the initial reports should be rather

*Advancing the date of trial means, with the docket in its present condition, that a trial, if a jury demand is made, will take place (at the earliest) approximately six weeks from the time the motion to advance is favorably acted upon.

complete. The Office of the U.S. Attorney had also requested some rather specific information about participants (see Memorandum to Counselors), and this was supplied whenever it could be done without breaching confidentiality.

As expected, the writing of these lengthy reports consumed a substantial amount of staff time, especially since many of the reports were put in finished form by a senior staff member. After a few months of operation, it was decided to attempt to reduce the number of required reports. The U.S. Attorney's Office wished us to continue some form of bi-weekly reporting, however, and even some staff members felt that the reports were valuable in keeping pressure on the counselors to maintain at least minimal contact with their case-load. The reports, it was felt, also represented a regularized administrative check on the status of each case in General Sessions Court.

After some discussion with representatives of the U.S. Attorney's Office, it was decided, as a compromise, that the first and final reports would be comprehensive, similar to those which had been written during the initial period of project implementation, but that the interim reports would consist of a short, mimeographed form which could be filled out rapidly by the caseworkers.

E. Disposition of Cases

On the morning of the date set for a participant's trial (at the end of the ninety-day continuance), there is a disposition conference attended by the defendant, his attorney and Crossroads counselor, the Court representative for the project, and a senior member of the U.S. Attorney's staff. At the time of this conference, the charges may be nol-prossed, a further continuance granted to afford the project more time to work with the defendant, or the defendant may go to trial. All project recommendations that the charges against a participant be nol-prossed were followed by the U.S. Attorney's office during Phase I.

A favorable recommendation is made if the participant has been cooperative with the project and if he has made constructive use of his time during the ninety-day continuance, either by obtaining and holding employment or by enrolling in and maintaining regular attendance at school or in a training program. Not all participants receive favorable reports, however. If the project does not specifically recommend that the case be nolledd, the participant's entire file is reviewed at the conference before a decision is made in such a case. Defense counsel receives his copy of the project's final recommendation a few days before the end of the ninety-day continuance, so that he will have time to prepare should it appear that the case will go to trial.

F. Relations with Court Personnel

1. Prosecutors

In the Court of General Sessions, the people who decide which defendants are allowed into the Crossroads program and which cases will be nol-prossed are those who work with the Office of the U.S. Attorney.* It is very important, therefore, that the project develop a good working relationship with the prosecutorial authorities.

* In some jurisdictions charges must be dismissed by a judge in open court. Since Assignment Court judges rotate frequently, and because the attitude of judges towards a program such as Crossroads varies somewhat, project participants would probably not be afforded consistent treatment under such a system. In the District of Columbia a case may be nol-prossed by the prosecutor, and although this is done formally in open court, the judiciary merely oversees the dismissal of charges. The disposition of Crossroads cases is actually determined beforehand, at a conference with the prosecutor.

The effectiveness of that relationship depends largely on the degree of confidence felt towards the project's court representatives. Discretion is important; the representatives have access to the prosecutors' files and other information to which the defendants and defense attorneys with whom they deal are not entitled. It is also important that the representatives demonstrate good judgment and integrity when they are asked, as they frequently are, to make a recommendation on a specific case or to give an opinion as to the project's capabilities toward certain defendants. It makes for good recruiting when a prosecutor has enough confidence in the project representative that his advice is sought and followed.

A project which is well organized, efficiently run and servicing its clients in an effective manner will eventually develop credibility, even with court personnel for whom the project represents a radical departure in methods of operation. Crossroads seems to have gained that confidence.

2. Police

Many policemen are not especially enthusiastic about a program which they feel "turns loose" those people whom they have just apprehended. All officers cooperate in making information available to the project, however, when it becomes obvious to them that the assistant U.S. attorney papering the case desires them to do so. Many other police officers cooperate with project personnel for better reasons, and often make much more sophisticated judgments about people whom they arrest than does the public in general. Officers are also usually willing to give a first offender a break because they distinguish this person from someone who is a chronic law violator.

3. The Judiciary

The reception the project has received from the judges who sit in Assignment Court and grant the continuances necessary for participation varies. Most judges are obviously enthusiastic about the program. They not only grant continuances in the cases of the participants, but also often take a few minutes of the court's time to explain to the defendant that he is receiving an opportunity which is denied to many and of which he should take full advantage.

Some judges, on the other hand, are less convinced that a first offender program is to the benefit of either the defendant or the community. Even those judges, however, have yet to refuse a request for an extended continuance needed for Crossroads participation, when such a continuance was requested by the project representative and the prosecutor. One possible reason why even judges not especially sympathetic to the aims of the program have cooperated is that the logistics of project recruitment have been arranged so that the only additional action a judge need take during arraignment is to agree to a continuance date a few weeks later than it would normally be. There are no delays to interview potential participants as there would have been under the initial procedures planned before the program became operational. Decisions as to whether or not a defendant meets project criteria are made before he reaches the courtroom.

The project staff also makes a special effort to keep lines of communication with the judiciary open. Memoranda and reports are sent to the chief judge for distribution and keep the judiciary informed of project results and about logistical problems of recruiting and their solutions--problems which may have come to the judge's attention while he was in Assignment Court. Knowing Crossroads' problems and the attempts made to resolve them no doubt inclines the judiciary patient with the minor difficulties encountered in getting a smooth running system. Recruitment worked out. In addition, whenever a new judge is placed in the Assignment Court, the project representative introduces himself in chambers and invites questions about the program. Finally, the judge who serves as liaison with the project is often contacted to determine how the other members of the bench are reacting to the new court service being provided.

4. The Bar

With one or two exceptions, the attorneys practicing in the Court of General Sessions have been very enthusiastic about Crossroads and have expressed confidence in the project's court representatives. An important factor in fostering this confidence is the court representatives' observance of protocol in their dealings with defendants and defense counsel. It is project policy to request permission from an attorney to speak with his client about the program. Although a project screener speaks briefly with the potential participants in the court cellblock each morning before defense counsel are appointed, no offer of project participation is made at that time; that responsibility is left to the court representative who always consults with defense counsel before doing so.

In addition, defense attorneys are invited to phone or visit the project office to speak with the counselors about their clients' progress. Attorneys also receive copies of the project's initial and final reports to the U.S. Attorney's Office on each participant, and are immediately notified if it comes to the project's attention that one of their clients has committed a new offense while enrolled.

One problem area in the relationship between the project and attorneys practicing in General Sessions Court, however, is that some attorneys will request Crossroads consideration for a client even though the defendant is employed in a well-paying job which offers future advancement possibilities. Naturally, these attorneys are interested in having their clients avoid the stigma of a criminal conviction and want the client to avail himself of an opportunity which increases his chances of doing so. However, due to the project's emphasis on manpower services, enrollment in Crossroads is not available to the relatively well-employed (earnings in excess of \$70 per week for a single man) and otherwise non-disadvantaged defendant.

Many attorneys argue that the de facto result of this restriction is discrimination in reverse; an unemployed defendant receives an opportunity to avoid a criminal conviction, while a similar opportunity is denied to a defendant unlucky enough to be steadily employed. In practice, however, the situation is rarely as unfair as that pictured; the steadily employed defendant with strong community ties is much more likely than the average Crossroads participant to be successful, through his defense counsel, in having the charges against him dropped by the U.S. Attorney's Office, without Crossroads participation, solely on the basis that he is a first offender. This is particularly true when the charge is petit larceny, receiving stolen property or destruction of property, the major offense categories among Crossroads participants.

In addition, project criteria allow enrollment of any employed defendant whose "job is in jeopardy." Very few young adult defendants otherwise eligible for the program are so situated that their present employment situation would not be jeopardized by their conviction of a criminal offense, and the project recruiters have used this justification to enroll a substantial number of employed but otherwise qualified defendants in the Crossroads program. In almost every case of this nature, the participant did, in fact, require either project staff intervention with his employer to save his job or placement assistance because his job was lost as a result of his arrest.

Nevertheless, recognizing that a criminal conviction for one holding a steady job may hamper his career advancement or future employability and, perhaps, his prospects for acceptance by a college, the project director and the project's liaison officer in the U.S. Attorney's Office reached an agreement in late May which allows Crossroads enrollment to defendants who meet all other project criteria but do not require educational remediation or employment assistance and who otherwise would not receive special treatment as first offenders directly from the U.S. Attorney's Office. Such participants would be enrolled for ninety days during which time they would participate in the project's group counseling program and maintain contact with the project at least once a week. This new arrangement should result in no candidate being denied project enrollment because of a satisfactory employment situation and should allay the concern expressed by some attorneys about project criteria.

5. District of Columbia Bail Agency

The personnel of the District of Columbia Bail Agency (staffed primarily by law school students) have been outstanding in their cooperation with the project. These young men actively look for potential participants for the program, and they serve as a valuable back-up for the project screeners.

6. Bondsmen

Although an additional requirement set down by the U.S. Attorney is that all participants must meet Bail Agency requirements for personal recognizance, some defendants who meet such requirements but who post bond at the station house to avoid a night in jail are accepted into the project. One of these participants was lured out of the jurisdiction by a high-paying (though dangerous-sounding) job painting radio towers in West Virginia. Unfortunately, since it appeared that the defendant was not planning to return to the District of Columbia, he was terminated from the project, his ninety-day continuance vacated and his trial date advanced in accordance with procedures established to meet this contingency. The bondsman objected to having to produce the man earlier than anticipated. To alleviate this problem in the future, it was decided that if a participant was not on personal bond, his bondsman would have to agree to his participation in the project, with the attendant possibility that the defendant would have to be produced before the end of ninety days. Only two or three Crossroads participants are on money-bond release, but no additional difficulties have been encountered.

G. Community Relations

Both the local press and the community at large have expressed support for rehabilitative programs directed at the legal offender in the District of Columbia and, in general, view Project Crossroads as an innovative and welcome addition to the city's criminal justice process. Indicative of this support, citizens from all walks of life have volunteered their time and resources to tutor participants, arrange field trips, provide housing assistance, and make available employment and educational opportunities previously beyond the reach of the young men and women served by the project.

Whether the community support would be as great if the project worked with accused felons rather than its current misdemeanor population, however, is uncertain, and the answer could affect the planned expansion of project offense category criteria during Phase II. Certainly the public would be less tolerant of the inevitable occurrence of recidivism in a program such as Crossroads if the repeaters were felons who had been given special treatment by the court, particularly if the second offenses were felonies as well. However, given the public's willingness to accept and understand the project's less than 100 percent success rate with participants during Phase I and the growing consensus that conviction and incarceration, particularly of young first offenders, are by no means a rehabilitative experience for the individual, the prospects appear favorable for continued and sincere community support of the Crossroads program if it is expanded to include certain non-violent felonies among its criteria for offense eligibility during the next phase.

NATIONAL COMMITTEE FOR CHILDREN AND YOUTH

PROJECT CROSSROADS

LEON G. LEIBERG
Project Director

WASHINGTON DC, 20001

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MEMORANDUM

November 5, 1970

TO: Court of General Sessions Personnel and
Defense Attorneys

FROM: Director, Project Crossroads

SUBJECT: Expansion of Eligibility Criteria

The United States Attorney's Office has recently approved expansion of Project Crossroads enrollment criteria to extend the opportunity for pre-trial diversion to a broader range of defendants. The modified criteria, which are effective immediately, are as follows:

1. SEX, AGE: Males and females between 16 and 40 years of age.
 2. RESIDENCE: Washington, D. C., Metropolitan Area.
 3. EMPLOYMENT STATUS: Unemployed, underemployed, or job in jeopardy because of arrest; for juveniles, tenuous school enrollment or school dropout.
 4. CHARGES: Petit larceny, auto theft (attempted), receiving stolen property, false pretenses, forgery, soliciting for prostitution, burglary II, simple assault (involving a relative), unlawful entry, presence in illegal establishment, destroying property, procuring, pocketbook snatch where there is no injury to the victim, possession of amphetamines or barbiturates. Special cases referred by Assistant U. S. Attorneys and judges.
- NOTE: Drug addicts, chronic alcoholics, and defendants with serious psychological disorders are excluded.
5. PRE-TRIAL RELEASE STATUS: Must qualify for personal recognizance under the criteria of the District of Columbia Bail Agency.
 6. PRIOR RECORD: First offenders and second offenders with reasonable lapse between previous conviction and current charge.

LGL/mmj

Memorandum of Understanding Between the
Juvenile Court of the District of Columbia and the
National Committee for Children and Youth-Project Crossroads

I. CRITERIA

The eligible group will consist of:

1. Juveniles, male or female, 16 years of age or older;
2. Who are not currently under the jurisdiction of the Court, nor awaiting a hearing on a prior delinquency charge;
3. Who have never been committed to a juvenile institution as a result of being adjudged involved in a delinquency offense;
4. Who have not been adjudged involved in a delinquency offense within one year prior to project referral; and
5. Who suffer neither from drug addiction nor severe personality disorders at the time of project referral

Youths who meet the above criteria may be referred to Crossroads for any of the following offenses:

Assault: Simple
Burglary II
Disorderly Conduct
False Pretenses
Petit Larceny
Prostitution

Receiving Stolen Goods
Taking Property Without Right
Tampering with Auto
Unauthorized Use of Auto (as a passenger)
Unlawful Entry

Under special circumstances, youths charged with the following offenses who otherwise meet the first five criteria may be referred to Crossroads at the discretion of the Intake Officer and with the approval of the Head of the Intake Division, or an officer designated by the head of the division for that purpose:

Aggravated Assault
Burglary I
Carrying Dangerous Weapon (not including gun)
Forgery
Grand Larceny

Property Damage
Purse Snatch
Robbery (Fear, Force and Violence)
Unauthorized Use of Auto (Driver)

II. REFERRALS

Referrals will be made by the Intake Division of the Juvenile Court. In the event that referrals are made to Crossroads from other sources (attorneys, friends, etc.) Crossroads will consult with the Intake Officer of the proposed participant as to his eligibility.

III. PROJECT SERVICES

1. Education: By providing individual remedial education and assistance to return to school, if out of school.
2. Employment: Full- or part-time remunerated employment at not less than minimum wage scale in occupations providing for the possibility of continuing responsibilities, training and increased income.

3. or Training: In both the public and private sector with primary focus on area manpower training programs, and in occupational areas of interest to the participant.
4. Housing and Family Needs: By making full use of Welfare and Health Department resources of the District of Columbia to insure that critical needs are being met.
5. Counseling: Using intensive short term individual and group counseling techniques to attempt to stabilize the individual in an effort to modify attitudes which will improve employability and deter from further anti-social behavior.

IV REPORTING REQUIREMENTS

1. Weekly Report - Crossroads will submit weekly to the Chief Judge, the Director of Social Services, and the Intake Division a report setting forth the names, ages, charges, and sources of referrals of all participants accepted into the project the previous week.
2. Program Letter - Within three weeks of the date of referral Crossroads will submit to the Intake Officer a letter outlining the focus of the program planned for the individual participant and acknowledging his official enrollment in the project.
3. Final Letter - At the end of project participation a final letter will be submitted describing the progress, activities, cooperation, and attitudes of the participant while in the project.

V. TERMINATION FROM THE PROJECT

A termination letter will be forwarded to the Court in the case of marked non-cooperation with the project or in the case of a new law violation, and the juvenile will then be subject to the usual Court procedures. Hearings for the juveniles who have responded favorably to the project will be scheduled before the Hearing Officer approximately three months from the date of referral to the project. An Assistant Corporation Counsel is to be given advance notice of all such hearings before the Hearing Officer. At the hearing the juvenile will be represented by an attorney. A Project Crossroads worker will also be present. The Hearing Officer may recommend to a judge that the petition be dismissed, or he may direct that the petition be heard before a judge who may close it without a finding, continue for disposition, or continue for disposition, or continue for trial.

Chief Judge, D.C. Juvenile Court

Director, Project Crossroads

DATE: September 26, 1969

CELLBLOCK SCREENER'S DUTIES

At least one Crossroads representative is assigned daily to conduct a preliminary screening of defendants detained in the General Sessions Court cellblock prior to their arraignment. The primary purpose of this screening is to make a tentative determination as to the eligibility of each defendant for Crossroads participation, based on age, offense category, prior criminal record, admitted or apparent narcotic or alcoholism problems, employment status, and willingness to participate*

This information, when passed on to another project representative in the U.S. Attorney's Office, is the basis on which the representative can either request an assistant U.S. attorney to agree to a defendant's participation in Crossroads or show cause why a specific defendant is ineligible.

A second, but equally important, purpose of this screening is to determine if any of the defendants detained for arraignment are current project participants. Prompt notice of such an occurrence to the project office may avert possible embarrassment to both Project Crossroads and the U.S. Attorney's Office, which would be to the detriment of present and future participants.

The project staff's access to the General Sessions Court cellblock is at the discretion of the U.S. Marshall in charge and by reason of our cooperative arrangement with the D.C. Bail Agency. The project screener, therefore, must be aware that his conduct could jeopardize either relationship. Screeners are introduced to both the U.S. Marshalls and the Bail Agency interviewers by a senior staff member prior to assignment.

Following is a list of the procedures required from staff members assigned to screening duties in the General Sessions Court. Suggestions regarding modification of these procedures should be brought to the attention of the section supervisor.

1. At no later than 8:30 a.m., report to the Court Liaison Office (Room 114) in the General Sessions Court building and request the D.C. Bail Agency's copies of the police records of defendants confined in the Court cellblock.
2. Proceed directly to the cellblock in the basement of the building (via elevator at F Street entrance). Should your access into this restricted area be challenged, identify yourself as a Project Crossroads representative working with the D.C. Bail Agency.
3. Report to the male lockup section of the main cellblock where Bail Agency personnel will be interviewing defendants. Place the envelope containing police records on the small table reserved for the interviewers' use and examine the Bail Agency's copy of the day's lockup list which will usually be located on the table. This list contains the names of both male and female defendants in the Court cellblock.
4. Using the "charge" column of the lockup list as a guide, write down the lockup number, name and alleged offense of all defendants whose charges fall within the project's offense criteria. (A list of qualifying offenses and their abbreviations are included in the project criteria attached to these guidelines.) If there is any doubt about offense category, consult with a representative of the Bail Agency.

*A detailed list of eligibility criteria is attached.

After completing the list, draw a line across the paper and repeat the lockup numbers underneath, leaving blank spaces for indications of reasons for ineligibility as these develop.

Example: #15 John L. Doe PL (petit larceny)
#25 Mary Brown UUV (unauthorized use of a motor vehicle)
#30 James Smith DP (destroying property)

#15
#25
#40

5. While reviewing the lockup list be alert for the names of current project participants and notify the project office by phone from the cellblock if any appear.

6. Next, place the copies of the defendants' policy records in alphabetical order, at the same time checking them against the names on your preliminary list. Should this check reveal reasons for eliminating any of the names on your list (e.g. prior criminal conviction, presently on bond or parole, age over 26), cross out the defendant's name and indicate the reason for ineligibility next to the lockup number below the line.

Example: ~~#15 John L. Doe~~ PL
~~#25 Mary Brown~~ UUV
#30 James Smith DP

#15 Convicted of petit larceny in 1967
#25 Presently on personal bond pending trial on charge of P.L.
#30

7. As Bail Agency interviewers complete questionnaires on the various defendants, check these carefully against the names on your list, especially for past or present narcotic or alcoholism problems, age, employment status, and admitted juvenile record. As additional names are eliminated from the list, don't forget to mark down the reason for ineligibility as shown above.

8. While waiting to complete the elimination process, assist the Bail Agency interviewers by noting the defendant's lockup number on the upper left hand corner of each questionnaire completed by the interviewers, and place a check on the lockup list opposite the defendant's name. Also, if applicable, number and insert the copy of the defendant's police record in the completed questionnaire. Similarly, Bail Agency interviewers will usually assist you by giving priority to those defendants on your preliminary list.

9. Complete a Crossroads Screening Information Form on each defendant remaining eligible for participation after checking both police records and bail questionnaires, using information contained in the latter document.

10. Speak briefly with each eligible defendant in the appropriate (male or female) section of the cellblock. Verify the data on the Screening Information Form and clearly explain the project to the individual, including the obligations of maintaining weekly contact and following through on employment interviews. Be alert for indications of narcotics use (some of the symptoms are included in attached project criteria). Ask defendant if he or she would be willing to participate if ultimately found eligible and note the response on the Screening Form.

11. After interviewing each eligible participant, proceed directly to the U.S. Attorney's Office on the first floor of the Court building. Give both the preliminary screening list (containing reasons for ineligibility) and the Screening Information Forms (eligibles) to the Project Crossroads representative stationed in that office.

This completes your screening duties for the day. Take a break for a cup of coffee and return to the project office.

CROSSROADS SCREENING INFORMATION

NO. _____ DATE: _____

NAME _____ ADDRESS _____ PHONE: _____

U.S. # _____ CHARGE _____ AGE _____

EMPLOYED _____ WHERE _____

WAGES _____ JOB IN JEOPARDY _____ NO. OF DEPENDENTS _____

STUDENT _____ TENUOUS ADJUSTMENT _____ WANTS PART-TIME WORK _____

CURRENTLY ON DRUGS _____ EVER? _____ ALCOHOLIC _____ MENTAL DISORDER _____

ADULT RECORD _____ JUVENILE OFFENSES _____ SERVED TIME _____

SPECIFY: _____

U.S. ATTORNEY: _____

WHO REFERRED _____ LOCKUP _____ CITATION _____

PENDING CASE _____ INFORMATION VERIFIED BY BAIL AGENCY? _____ ROR? _____

WILLING TO PARTICIPATE _____ INTERVIEWER _____

COUNSEL _____ ADDRESS & PHONE: _____

CONTINUATION DATE _____ ASSIGNMENT JUDGE _____

PARTICIPATING? _____ IF NOT, WHY NOT? _____

PARTICIPATION OK'D BY _____

REMARKS (Put Additional Information to Aid Counselors Here): _____

nsp/1-23-69

Research Design

Project Crossroads, by providing intensive manpower services to first time criminal offenders, offers an alternative to criminal adjudication through economic stabilization. The following report outlines data gathering methods and subsequent procedures for analysis.

At this time it will be difficult to abstract all the possible questions which will be asked of the data. However, the major areas of the final analysis will include the following:

1. The range of services received by Project Crossroads participants. This calls for a program description as well as summary statistics of employment placements, legal dispositions, etc.

2. An evaluation of the effectiveness of specific program operations in terms of short-run and long-range benefits to participants. Comparisons between participants and a control group of non-participants will be undertaken in the areas of employment and legal behavior. Included will be an evaluation of the type of individual most successful in a Crossroads-type program. Such variables as age of participant, sex, charge category, previous employment, and educational history will elicit a profile which will differentiate "high risk" from "low risk" categories of participants.

3. An understanding of program structure and operations and those specific program factors which explain its effectiveness. Included will be an evaluation of the time period necessary for working intensively with participants and the relative value of the different services afforded a participant. An evaluation of the impact of the staff itself will be made.

4. A cost analysis/effectiveness study determining the cost of program operations and evaluating the benefits to the courts, business community, etc. Comparisons will be made between participants and non-participant controls.

A description of the goals of Project Crossroads and services offered to participants can be found in previous interim reports. While these will not be repeated in this monograph, a word about goal-setting is appropriate. The goals of any organization determine the kinds of goods and services it produces and offers to the community. Project Crossroads is no exception to this principle. The project is and has been subject to evaluation by both the Department of Labor and the District of Columbia courts. Goals and program operations are necessarily a compromise between contractual obligations and original program conceptualization.

Utilizing the aforementioned topics as guides to the final analysis, the following report has been arbitrarily divided into divisions which permit clarity of presentation:

- I- measures of program effectiveness for participants
- II- the structure and operation of the program
- III- relations between Project Crossroads and its "environment"-the court, employment market and social agencies.

An earlier communication proposed that all data be coded and transferred to IBM punch cards. Not only would this facilitate analysis but it would allow Project Crossroads results to be compared with findings from other demonstration projects. Also, questions could be put to the data at a later time which are not of immediate concern.

I Program Effectiveness for Participants (Research questions 1 & 2)

Behavioral and attitudinal indicants will be used to measure program effectiveness. Analysis will emphasize the behavioral indices because these are more easily measurable.

Legal Indicants

The following indicants will serve as operational definitions for the legal "success" of the program as it affects participants:

- a. Type of adjudication of original charge (e.g. dismissal, held for trial, etc.)
- b. Recidivism while enrolled in Project Crossroads (e.g. arrest and conviction record)
- c. Recidivism after termination from Project Crossroads (e.g. arrest and conviction record)
- d. Seriousness of subsequent offenses (e.g. felony vs. misdemeanor, personal vs. property offense, etc.)

Type of Adjudication

The court's disposition of the charge or complaint filed against the participant will influence the nature of his future contact with law enforcement agencies as well as his future employment possibilities. A dismissal of the charge for the first offender will be considered "desirable" from the participant's viewpoint and "successful" for that of the program. From the court perspective a dismissal reduces case backlog and saves manpower hours and costs incurred in continuing prosecution.

A frequency tabulation of legal dispositions of project participants (including accompanying percentages for both juveniles and adults) will be presented. This information will be abstracted from the Participant Termination Form. Statistics for participants will be compared with: (1) annual court statistics and (2) a randomly selected control sample of juveniles and adults.

Recidivism

Recidivism as reported in the Uniform Crime Report--1967 varies by age of offender, crime type and other variables, but remains consistently high across all categories (e.g. of offenders under 20 released from custody in 1963, 70% recidivated within four years). Project Crossroads, by affecting the dismissal of charges avoids exposure of the participant to the corrupting influence of the jail or prison, while giving him the possibility of a legitimate economic stake in the community.

Recidivism rates for participants during program enrollment will be abstracted from the Participant Termination Form. Frequencies will be calculated separately for juveniles and adults, as will the following: dismissals and non-dismissals; favorable and unfavorable terminations; personal and property offenses; misdemeanor and felony charges; and other relevant differentiations. Statistics on recidivism rate following program termination will be abstracted from the Participant Follow-up Form. A longitudinal analysis of recidivism will be done at three month intervals for one year after program termination. According to national statistical trends, the largest percentage of recidivism occurs within a year following custody. The longer the period of non-recidivism, the less likely the individual to recidivate. While follow-up information on a randomly selected group of participants will be attempted.

Recidivism rates of project participants will be compared with rates of the control sample of non-participants. The follow-up form for controls is not yet completed. Follow-up for control will occur a year after case disposition. In order to control for invalid follow-up responses, it is suggested that a thorough check of court files be undertaken for recidivism statistics for a select number of participants.

Seriousness of Subsequent Offense

Recidivism can be measured both quantitatively and qualitatively. Thus, the nature and seriousness of a subsequent offense may be as important in understanding crime patterns as the absolute number.

Subsequent offenses will be classified and evaluated on a number of categories, including misdemeanor vs. felony charge, personal vs. property offense, seriousness of first charge vs. subsequent charges.

Statistics on the above indices will be tabulated and then cross-tabulated against such variables as: legal disposition of participant (dismissal vs. non-dismissal); termination recommendation by counselor (favorable vs. unfavorable); age categories (juvenile vs. adult offenders); educational background (high school graduate vs. non-graduate); and other relevant variables.

Employment data will be abstracted from the following records:

1. Intake Record : an interview schedule which records a participant's legal, employment, educational and family history.
2. Participant Termination Form: summarizes information recorded during project participation.
3. Participant Employment Record : records all employment services rendered to the participant.
4. Participant Follow-up Form: provides longitudinal employment information after project termination.

In addition to the major indicants of employment success the aforementioned forms also yield valuable information on work-related problems, turnover rates, and future vocational aspirations. Although ancillary, this information will allow interpretation of other employment findings.

Educational Indicants

The educational division of Project Crossroads displays a secondary role in project operations and participation is on a voluntary basis. Yet, in itself, taking part in the program might be an important indicant of serious intent for self-improvement by the participant.

For purposes of measuring educational "success" for those volunteering participants, the following indicants will be used: Separate tabulations will be kept for the participants and control sample, and for arrest and conviction rates.

Employment Indicants

Project Crossroads, as a manpower service, secures employment for the unemployed and underemployed. Quantitative measures of employment (e.g. position, salary) will be deemed important from both the community's and participant's viewpoint. Qualitative

factors of employment (e.g. attitude toward work, relationship with fellow employees and employer) will also shed light upon the work problems of the relatively unskilled, poorly educated worker. This will effect his long-run job potential.

The following indicants will serve as employment "success" of participants:

- a. Referrals and placements through Project Crossroads, for employed and formerly unemployed participants.
- b. Improved salary for the period including: (1) employment before entering Crossroads and last Crossroads job held; (2) employment entering Crossroads and leaving Crossroads; (3) employment at Crossroads termination and through last follow-up.
- c. Job mobility for the period including: (1) employment before entering Crossroads and last Crossroads job held; (2) employment entering Crossroads and leaving Crossroads; (3) employment at Crossroads termination and through last follow-up.
- d. Improvement of skills through job training programs and subsequent placement.
- e. Favorable on-the-job work characteristics at project termination: regularity of work, promptness, etc.
- f. Decreased welfare payments and unemployment compensation resulting from Crossroads job placements or employment thereafter.
 1. Enrollment and attendance in the educational program.
 2. High School equivalency diplomas received during project or because of project incentive.
 3. Completion of remedial course of study (either during Crossroads enrollment or after termination).
 4. Attendance in the educational division after formal project termination.
 5. Re-entry into high school of dropouts, because of project efforts.

For purposes of statistics, we will tabulate numbers of enrollees in different programs of study and include the average number of hours of instruction per enrollee. Cross tabulation will be done relating such variables as age of participant, charge, legal "success" etc. with educational variables. Most information will be abstracted from the Educational Division Monthly Report and the Participant Termination Form.

An evaluation of the effectiveness of Project Crossroads for specific types of participants will be attempted by cross tabulating legal and employment "success" and "failure" categories with specific personal (e.g. age, charge, sex) and program (e.g. easy to contact, enrolled in education) variables. Profiles of "high" and "low" risk participants will be derived.

II. Structure and Operations of Project Crossroads (Research questions 3 & 4)

The measurement of a program's effectiveness is not a substitute for explaining success. An analysis of Project Crossroads operations should locate structural properties of the program which contribute to program success. Unfortunately, variation in program

structure is non-existent. For example, it would be difficult to say with certainty that a particular division of the program should be expanded or diminished. It may be that all project divisions are unnecessary as they now exist, because only a hint that the charge may be dropped offers enough incentive for changed behavior. It is suggested that future experimental and demonstration projects concern themselves with program variables as well as program outcomes so that a program's effectiveness can be precisely explained.

Yet, an attempt to explain Project Crossroads will be made here. Specific aspects of the program will be evaluated by both staff and participants.

A retrospective analysis of employment data should reflect the average time period needed to render adequate employment services to participants (in terms of job turnover and stabilization).

Staff Information

Interim reports have described the development of the project from initial "growing pains" through present maturity of operations. Ideally, an outside observer would take systematic note of staff operations. For example, he would note the results of personnel attrition and replacement; staff relationships which affect the working atmosphere, etc. Under existing conditions, the following information will be utilized.

Quantitative

Systematic, quantitative measurement of staff activities (instituted September 1969) will be abstracted for the counseling division from the Participant Action Form:

1. Contacts completed by the counselor with the participant and those made in behalf of the participant.
2. Place of contact (e.g. home, office)
3. Type of contact (e.g. telephone, personal)
4. Initiator of contact
5. Nature of problems discussed
6. Manner in which problems were handled by counselor or participant.

A summation of this information appears on the Supervisor's Weekly Report.

The activities of the employment staff will be abstracted from the Employment Monthly Report and the Employment Activity Form. These forms will yield quantitative information concerning:

1. Placement activities (e.g. statistics of placements, time spent with participant)
2. Field activities (e.g. type of activity and time spent)
3. Job development activities (e.g. number of contacts per week, mode of contact, time spent on a contact)

The activities of the educational division are quantitatively summarized on the Educational Monthly Report. Basic statistics are available:

1. Statistics of participants and tutors (e.g. numbers, turnover)
2. Activities of tutors (e.g. subject areas taught, time spent per participant, per week)

Qualitative

Although quantitative measurements for some aspects of staff activities will be undertaken, they do not represent an accurate picture of a total job. A Crossroads job that involves close relationships between staff and participant, staff and staff and which offers changed individuals as an end product, relies on many tangible, difficult-to-measure variables. For example, no measurement can be taken on the enhanced feeling of self-worth a participant carries from the program.

Our only clue to some of these intangibles will be in the form of "soft" data. The final report of all staff members will cover their perceptions of the following:

1. Objectives (goals) of their job
2. Mode of operation necessary to achieve the objectives
3. Problems which must be dealt with on a continuing basis
4. Suggestions for change in division operations and their own job.

In addition to the above, supervisors will include in their reports a critique of operations from an administrative point of view (e.g. intra-division staff relations). A detailed guide for final reporting procedures will be completed at a later date.

Participant Information

The analysis of a project whose end product involves changes in individuals can not be complete without feedback from the individuals affected by the program. For this perspective on project operations a Participant Evaluation Form will be routinely handed to every participant by his counselor. Questions are simple, asking for an evaluation of the program, as opposed to an evaluation of particular staff members.

Cost Analysis

An evaluation of program operations would not be complete without a cost analysis/effectiveness study. While cost studies of this type are a standard procedure for business corporations they are just coming into vogue for the study of social problems which financially burden the taxpayer.

In addition to calculating the real operating costs of the project in relation to the number of participants served, a cost effectiveness study will compare a random sample of participants with the control sample of non-participants in terms of court and other costs, (e.g. unemployment compensation). A detailed analysis of average legal costs will be based on an updating of costs already computed by the Department of Correction in the District of Columbia, appearing in B. Cantor's and S. Adams', The Cost of Correcting Youthful Offenders (September 1968). Legal costs for arrest, court action, institutionalization and parole and probation supervision have been estimated. Follow-up information of a year's duration will be included.

Full details of the cost study have not yet been elaborated. At the present time, contracting for the services of an individual specializing in economics and cost analysis is being considered.

III The Environment and Project Crossroads

The "environment" in which an organization such as Project Crossroads exists influences its operation. Employment statistics (e.g. number of placements) are determined in part by the job market. Program variation (e.g. rendering full services to some participants and partial services to others) is bound by court stipulations. Outside social services necessary for participants (e.g. type of aid and immediacy of service) is related to the kinds of relationships which exist between staff members of Project Crossroads and the outside agency. In other words, the "environment" or "field" is an intervening and sometimes determining variable, itself, in influencing program operations.

Job Market

The job market available to participant is a function of both existing job and training opportunities in the area and the effectiveness of the job developers in uncovering potential positions.

Information on job development (e.g. description, problems, types of relationships established, suggestions for future job developing, etc.) will be contained in final job developer reports. The Employment Activities Record will reveal certain objective information regarding the type of companies contacted, mode of contact, time spent "developing" a contact, etc. Together, the records and final report will offer a picture of the job developer's operation.

Yet, the gap between job developing and job placement is an important one. Do all companies who promise jobs, "come through"? Which types of employers and companies are most amenable to working with our project-government, large private, small private, etc.? What is the rate of turnover for different kinds of positions? What kinds of positions are available to our participants? When is on-the-job training offered? Does training enhance salary prospects? These and many other questions will be answered by portraying a picture of the realities of the job market as they affect the program. Most of this information will be abstracted from the Job Placement and Training Placement Forms (Appendix L).

Courts

Relations with the courts (juvenile and general sessions) will be described in terms of chronology by staff supervisors and the project director. The ways in which direct court restraints (e.g. charge categories deemed acceptable) and operations (e.g. court recommendations for eligible participants) influence Project Crossroads will be analyzed. Suggestions for improved working relations will be offered.

Social Agencies

Contact between Project Crossroads and outside social service agencies (e.g. hospitals, welfare bureau, etc.) will be monitored. Abstracted from the Participant Contact sheet and the Employment Activities sheet will be contacts made between Crossroads and other agencies on behalf of the participants. This will be coupled with the final report of the staff, emphasizing the types of working relationships maintained (if any) with outside agencies and the importance of these agencies to Crossroads operations. Suggestions for inter-agency information transfer and utilization will be offered.

Concluding Note

The measurement and assessment of an experimentation and demonstration project is a difficult task. Variables of concern are numerous, involving personal, organizational and environmental factors (not to mention time, place, etc.) Controls are necessary, although imperfect. Evaluations are critical, although imprecise at times. To put a program into operation constitutes the "means" of the system, according to a researcher. An adequate understanding of the program's operation and effectiveness is the real "goal."

APPENDIX B
THE MANHATTAN COURT EMPLOYMENT PROJECT
OF THE VERA INSTITUTE OF JUSTICE

CAREER DEVELOPMENT

STAFF

The director of the Career Development Unit came to the Project from Project Develop, a job training and placement program for persons just released from New York State prisons (an earlier experimental and demonstration project of the Manpower Administration, U.S. Department of Labor). While director of Project Develop, he had decided that two traditionally separate tasks—interviewing applicants and promoting job accounts—should be handled by the same person. He had observed that those responsible for interviewing often lost contact with the reality of the job market, while those who promoted jobs were often insensitive to applicants' problems. His thinking influenced the formulation of the Project's Career Developer (CD) position. Project administrators decided that the person who helped a participant define his job skills would be the same person who found that participant his job. Project administrators were not necessarily interested in individuals with psychology credentials, although one of the original developers had a master's degree in psychology. They were definitely not interested in gregarious, hard-sell job promoters.

In December 1967, the Project advised 24 agencies of its Career Development staff needs. Most of the experienced promotional developers referred were talkers rather than listeners. The Project needed people who would invest time and energy in their relationships with participants, helping them to clarify and direct their thinking about opportunities in the job market. Project administrators eventually decided that they would have to sacrifice experience in order to find developers committed to the philosophy of the Project. Forty-five applicants came for interviews; four were hired. One had been a job developer, another had worked for a minority-group college placement agency, a third came from Project Develop, and the fourth had worked for an anti-poverty agency in Newark, N.J.

JOB DEVELOPMENT

The first task of the Career Development Unit was to develop a reservoir of available jobs. By the time the first participant was accepted into the Project in February 1968, the unit had canvassed 60 private and public, large and small firms in the metropolitan area. Staff discovered that large companies were able to plan for their employment needs and could establish permanent accounts with the Project. Small firms, with infrequent turnover and limited job offerings, were less able to accommodate the Project's needs.

CDs did, however, try to impress small employers with the Project's aims in the hope that these employers would call the Project if openings did occur. Staff also talked to non-profit vocational placement agencies. The Project arranged with the City for designation as a Neighborhood Manpower Center, which gave it access to jobs and training programs developed by the City's Manpower and Career Development Agency. In addition, the Project was permitted to certify its participants as "hard-core," thereby making them

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eligible for private corporation training programs subsidized by the federal government under the Manpower Development and Training Act.

Large and Small Firms

CDs tended at first to try to place participants in small firms even though openings there were infrequent and unpredictable. Career Developers assumed that small firms would provide a friendlier work atmosphere and would be more flexible about job requirements. They also thought that small firm employers might be more likely to develop relationships with participants and their Career Developers than large firm employers. After one year, however, CDs realized that placements in large firms were more desirable. Large firms offered wider benefits, chances for advancement (growth and upgrading are generally built into positions in large corporations), and on-the-job training programs. CDs have placed increasing emphasis on developing accounts with large firms—particularly those with training programs subsidized by the Manpower Administration of the U.S. Department of Labor. Since employers with MA (Manpower Administration) contracts are publicly committed to hire the hard-core unemployed, participants are more likely to succeed in their companies than elsewhere.

Training Programs

From the beginning, Project staff members felt that it was better to place a participant in a training program where he could learn a skill than in a dead-end job. Training programs have varying desirability, however. Most participants are immature and have almost no patience for working towards a deferred goal. Unless support and possibility for advancement are demonstrated soon after a participant is placed, his job may become meaningless to him. Lengthy training programs remind him of school, which was too often associated with failure. CDs have found that publicly financed training programs, as opposed to MA programs, do not provide enough support for participants. Of the first 350 participants, only 30 accepted training positions in publicly financed schools or agencies and only six completed their courses. Participants are much more willing to accept training positions in MA programs which offer (in addition to training) remedial education, a reasonable starting salary and promise of advancement.

Employers

Virtually every employer approached by the Project has voiced a commitment to hire the hard-core unemployed. But few are aware of the real problems involved. As one Career Developer wrote in a moment of frustration: "What firms seem to be looking for are 1) hard-core unemployed who behave like middle-class employed, or 2) hard-core unemployed who behave like middle-class employed after several Pat O'Brien lectures by a supervisor."

CDs' approach with employers has been to discuss frankly the work and criminal backgrounds of the participants they plan to refer. This candid approach results in the withdrawal of many prospective employers, but it insures sympathetic cooperation from the employers who remain. CDs emphasize that they and the Reps will follow each participant's progress closely.

To increase the pool of available jobs, Career Developers visit at least one potential employer each week. The field visit is an essential part of job development and the most difficult. In a short time, the CD must find out what the employer's needs are, describe the Project, allay the employer's fears about hiring defendants, and get him to commit his firm to hiring a number of participants. The Project has tried to develop relationships with employers on whom it can depend for at least 12 placements per year.

Career Development

Usually an employer goes to a Manpower agency to fill a specific need—he tells the agency job developer what he wants, and the agency supplies the right man. CDs don't always have to wait, however, for openings in firms with which the Project deals regularly. A CD can ask an employer to accommodate the needs and goals of a participant for whom there may not be an official job opening. For example, one participant with a talent for sketching was hired by the Art Department of a large company even though the list of positions available included only the usual entry-level clerical jobs. The Project has tried not to accept job orders passively or to urge participants to take any available job.

Once CDs achieve working relationships with large firms, they take care to maintain them. If several participants fail to appear for interviews or do poorly on the job, the next referrals will be the Project's most stable participants. Sometimes applicants may not be sent for a long time. The Project tries not to jeopardize its relationships with companies that may have openings in the future—particularly those that offer programs for upgrading employees.

During the last three years, the Career Development Unit has contracted with over 400 firms, unions and training programs. CDs use a system of shared accounts. Each CD makes independent contacts with businesses, but all employment information is pooled and recorded in Project files. The system of shared accounts was introduced for the benefit of new, inexperienced Career Developers, who can rely upon job opportunities already developed by co-workers rather than having to start from scratch.

REFERRALS

Although the Career Development interview has been tied as closely as possible to the formal intake procedure, the initial CD interview is conducted primarily to sustain the participant's interest. When a person has been arrested, booked, jailed, interviewed and brought before a judge in less than 20 hours, he is not in the best state of mind for job counseling. Few participants are sent to job interviews on their first day in the Project, but half are sent within their first week.

When the initial interview takes place, the CD obtains the following information on a participant's employment background:

1. percentage of previous year the participant was employed;
2. length of time the participant worked at his most recent job;
3. type of job he most recently held;
4. salary he most recently earned.

The typical participant—with a ghetto background, little advanced schooling, few skills and scanty employment experience—has never faced a range of job opportunities or been in a position to exercise a meaningful preference. CDs ask participants about their interests, their former job experiences and their ambitions. At some point they ask each participant to choose a job. When the CD, the participant and his Rep are satisfied with the choice, employers are called and attempts to arrange an interview are made.

A Career Developer draws on three sources for jobs: large companies ("house accounts"), companies with smaller and less frequent manpower needs, and new contracts. If he finds an opening, he talks with the participant to prepare him for the coming interview. He may also help the participant prepare for any tests he may be asked to take and write him a letter of recommendation.

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A participant's first job interview is rarely his last. CDs average 2.2 referrals for every placement. The following table reveals the frequency with which participants are referred.

FREQUENCY OF REFERRALS

Year of Project	Year One		Year Two		Year Three		Total	
No. Times Part. Referred	No.	Percent	No.	Percent	No.	Percent	No.	Percent
Once	102	39.8%	114	50.4%	79	61.2%	295	48.3%
Twice	62	24.2%	49	21.7%	20	15.5%	131	21.4%
3 Times	29	11.3%	27	12.0%	15	11.6%	71	11.6%
4 Times	31	12.1%	16	7.1%	7	5.4%	54	8.8%
5 Times	13	5.1%	10	4.4%	4	3.1%	27	4.4%
6 Times	9	3.5%	4	1.8%	2	1.6%	15	2.5%
7-11 Times	10	3.9%	6	2.7%	2	1.6%	18	2.9%
Total No. Part. Referred	256		226		129		611	

Most participants who fail to report for a job interview do not come back to the Project without prodding. Similarly, when a participant appears for an interview and is not hired—especially when the interviewer does not explain why he is not hired—he generally does not return to the Project unless he is given a great deal of encouragement. If a CD feels an employer has made a mistake in not hiring a participant, the CD may talk to the employer. Some employer rejections have been enormously frustrating: one participant was rejected from a hard-core program because of his poor work background—essentially, because he was hard-core. In any case, CDs try to learn from their placement attempts. And since the Project strengthened its counseling program, appointments missed by participants have been cut in half.

PLACEMENTS

Participants require not only several referrals, but also several placements. Although some participants seek new placements because they are ready for better jobs, most seek new placements because they have been unable to retain their previous jobs. In general, they have poor work habits. They have failed at work, at school, and often with family and friends. About 34% of the Project's participants have to be placed two or more times:

FREQUENCY OF PLACEMENTS

Year of Project	Total No. Part. Placed	Once		Twice		3 Times		4-6 Times	
		No.	Percent	No.	Percent	No.	Percent	No.	Percent
Year One	177	111	62.7%	44	24.9%	17	9.6%	5	2.8%
Year Two	154	101	65.6%	41	26.6%	8	5.2%	4	2.6%
Year Three	101	75	74.3%	19	18.8%	6	5.9%	1	1.0%
TOTAL	432	287	66.4%	104	24.1%	31	7.2%	10	2.3%

Career Development

Career Developers believe that the critical determinant of whether a person will stay on the job is the extent of the employer's commitment to help him succeed. Employers who are willing to:

1. lower entrance requirements (waiving demands for diplomas or clean criminal records)
2. offer a training program with remediation and counseling
3. provide systematic up-grading for unskilled jobs, and
4. commit their administrative and supervisory staff to the growth and development of entry-level employees

succeed with the Project's participants, and participants succeed with them. No employment project—court-based or otherwise—ought to funnel untrained, unskilled persons into dead-end jobs.

PROJECT IMPACT ON EMPLOYMENT

Not every participant is in need of or ready for employment: some are satisfactorily employed at entry; some find employment through their own efforts; some are students; and some have personal problems which impair their ability to accept the responsibility of full-time employment for a significant number of Project participants as the following table shows:

Year of Project	Total No. of Participants	Total Referrals	Total Placements	Percentage of Placements Per Referral
First	450	626	270	43.1%
Second	450	477	219	45.9%
Third	400	264	135	51.1%
Total	1300	1367	624	45.7%

Not every referral results in a placement, but the number of referrals does indicate the extent of the career resources that the CDs have been able to develop. The decline in the number of referrals during the third year was due largely to the tightness of the job market. There were fewer job openings during 1969-70 than in the two previous years. Nevertheless, more placements per CD referral resulted during the third year than in the previous years. Because CDs now work more closely with a participant and his Rep, they are able to make more appropriate referrals—referrals that will more often result in placements.

The most favorable view of the Project's impact on employment can be seen in terms of its dismissed participants:

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EMPLOYMENT STATUS OF DISMISSED PARTICIPANTS AT INTAKE (BEFORE) AND AT DISMISSAL (AFTER)

Employment Status	First Year		Second Year		Third Year	
	Before No. Percent	After No. Percent	Before No. Percent	After No. Percent	Before No. Percent	After No. Percent
Unemployed	111 79.3%	2 1.4%	107 54.9%	0 0.0%	109 49.1%	0 0.0%
Employed	20 14.3%	128 91.4%	84 43.1%	186 95.4%	68 30.6%	176 79.3%
Students	9 6.4%	10 7.2%	4 2.0%	9 4.6%	45 20.3%	46 20.7%
Total*	140	140	195	195	222	222

*Total number of dismissed participants was 626; however, employment data was complete for only 557.

Participants who achieved dismissal of charges invariably improved their employment status during their time in the Project. Although satisfactory vocational adjustment was in most cases required for dismissal, the findings are significant nonetheless, especially in view of the Project's impact on participants' salary levels:

SALARY LEVELS OF DISMISSED PARTICIPANTS AT INTAKE (BEFORE) AND AT DISMISSAL (AFTER)

Weekly Salary	First Year		Second Year		Third Year	
	Before No. Percent	After No. Percent	Before No. Percent	After No. Percent	Before No. Percent	After No. Percent
\$131—	1 5.3%	3 3.2%	1 1.6%	6 4.6%	3 3.2%	6 4.1%
\$121—30	0 0.0%	5 5.4%	1 1.6%	4 3.1%	6 6.5%	6 4.1%
\$111—20	1 5.3%	8 8.6%	4 6.1%	9 7.0%	8 8.6%	20 13.6%
\$101—10	1 5.3%	12 12.9%	1 1.6%	6 4.6%	11 11.8%	12 8.2%
\$91—100	1 5.3%	18 19.4%	7 10.8%	29 22.5%	18 19.4%	26 17.7%
\$81—90	2 10.5%	23 24.7%	11 16.9%	26 20.2%	23 24.7%	36 24.5%
\$71—80	4 21.0%	11 11.8%	17 26.1%	31 24.0%	11 11.8%	29 19.7%
\$61—70	7 36.8%	7 7.6%	17 26.1%	14 10.9%	7 7.5%	9 6.1%
\$60 or less	2 10.5%	6 6.4%	6 9.2%	4 3.1%	6 6.5%	3 2.0%
TOTAL	19	93	65	129	93	147

The Project was most able to elevate the economic status of participants who entered the Project at the poverty level.

The figures for the third year are not as impressive as those for the other years because a change in the minimum wage law in July, 1970, reduced the number of persons earning \$80 or less per week, and because the participant population contained more students than in previous years.

Surprisingly, starting salaries have no effect on whether a person will stay on the job. Project administrators conducted a study that showed exactly the same retention rate for jobs paying more than \$90 per week as for jobs paying less than that. More participants were fired from higher paying jobs, and more were quitting the low paying ones. Raises, not starting salaries, may be the key to job retention. Career Developers have suggested that employers start participants at salaries lower than planned so that small, frequent raises can be given, each one based on merit.

COUNSELING

STAFF

During the planning stages, Project administrators learned that academically trained counselors were in great demand and expensive to hire, and they suspected that non-professionals, whose backgrounds and sensitivities were similar to potential participants', could be trained to perform as well, or better, than "pros."

Project administrators decided to use "non-pros" in the counseling positions and immediately became more comfortable with the plan as they examined the tangential benefits. Beyond the obvious plusses of having a staff that could be believed by participants, a staff that could easily be expanded—and duplicated in other cities, since it derived from a relatively untapped labor source—the Project itself, if it functioned well, would become a dramatic commercial to all employers who would eventually be contacted to hire Project participants.

To find non-professionals, Project administrators sent notices to every agency in the city that trained, helped or found jobs for ghetto residents. They asked specifically for applicants with personal warmth, no more than a high school education (college graduates were not considered) and knowledge of New York City. Within three days there were 91 applicants, who generally represented the agencies' difficult-to-place clients. Project administrators were reluctant to see the job restricted to blacks and ex-offenders, for reasons of both staff morale and public opinion; but staff members and applicants finally all agreed that it did not make sense to leave positions open just in order to locate qualified whites and non-offenders.

The first 91 applicants were interviewed individually; 55 were asked back for interviews in small groups; 15 came back for final group interviews. Nine were hired. All had prison records ranging from two months to eight years, on charges including armed robbery, burglary and car theft. With their permission, Project administrators reviewed their criminal and employment records. One of the nine was eliminated when it was found that he had not been candid about his past. The remainder had been frank, and their references—former employers, parole officers, narcotics program administrators—offered no information to discourage their hiring. All began work shortly after New Year's Day of 1968. Thus the road from "pros" to "cons" was walked in part decisively, in part fortuitously.

Initial Training

To train and supervise the new counselors, an Associate Director of Counseling and two Counseling Supervisors had been hired. All had civil service backgrounds, academic credentials, and counseling experience, and all welcomed the challenge of working with non-professionals.

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In January, Project staff members, Vera Institute administrators, court and police personnel, social workers and psychologists discussed their own jobs and organizations with the trainee counselors, as part of a planned training period. The trainees toured the courts, practiced interviewing at a Board of Education counseling center, and visited social agencies in the city. They met frequently as a group with their Supervisors to discuss their feelings about the job, their strengths and weaknesses, their backgrounds, their futures, and the social implications of what they were attempting. Most had been adversely affected by their prison experiences: they were suspicious of the courts, their Supervisors and the Project's goals. Perhaps their greatest fear was that they would fail or the job would fail them.

The training period lacked precise focus. No one knew exactly for what job the trainees were being prepared. Would the job center around a field base, office base or counseling center base? Would the trainees peak at being supportive, or was the Project staff good enough to train them to counsel? How would they be trained on the job: how much would be teaching, how much counseling, i.e., helping them to understand their own fears, anxieties and problems so that they would function better in counseling roles?

At the end of the training period, everyone agreed that the trainees would have to function supportively at first, simply "rapping" with participants, but it was hoped that ultimately the trainers would do counseling as well. The counseling program would encompass both individual and group techniques; the counseling job would involve a combination of office, field and counseling center bases; and participants would be given tasks to perform (attendance and involvement at group and individual counseling sessions) rather than just being visited in their own neighborhoods and homes.

The staff also decided during those four weeks on a job title. The trainees did not want a name that linked them with any existing jobs or that carried menial connotations. Since they were responsible for representing the Project to participants, the court, and other agencies, they chose "Representative" and have since become the "Reps."

Retrospective

The history of the first group of Representatives, only one of whom is still with the Project, highlights some of the Project's early problems. The first Representative disappeared in March 1968, reappeared a few weeks later and then disappeared again, which surprised everyone since he seemed to be among the most self-confident and effective Reps. The second was discharged after seven months because his mercurial shifts in temperament strained his relationships with his Supervisors and fellow Reps. The third resigned after 10 months. He had worked diligently but had had little success in relating to participants. He is now in an administrative position with an anti-poverty agency. The fourth suffered a recurrence of an internal ailment related to his previous drug addiction and, even after partial recovery, was too weak to resume his position. The fifth resigned after a year and one-half to enroll in college full time. The sixth was unable to adjust to the Project's structured program. The seventh was not functioning well on the job primarily because he had not dealt adequately with his own problems.

Because the Rep's job was ambiguously defined and its demands untested, it had been difficult to screen applicants intelligently. As Project Administrators gained experience at interviewing and hiring, and as the Rep's duties were defined, the Project began to hire Reps who behaved responsibly, functioned well, and were easily trained.

In retrospect, the soundest and most fortuitous decision made was to build a counseling program on the talents and experiences of non-professionals with backgrounds similar to the participants. From the beginning, the Reps have provided the credibility essential for

CONTINUED

1 OF 2

effective counseling.

History of Staff Responsibilities

Representatives

Representatives' responsibilities have changed continually during the Project's three years of operation. For the first two years, the Rep's job was to:

1. help screen prospective participants;
2. take primary responsibility for the progress of 15 to 25 participants, attempting to gain each one's trust and cooperation, and helping them to solve their personal, financial, legal, medical and vocational problems;
3. refer participants to appropriate services and agencies (including the Project's own Social Services Unit) when needed;
4. meet with all his participants one night a week at the Project's club house for a group counseling session;
5. make field visits to participants' homes at least once during their time in the Project;
6. plan each group meeting, with his Supervisor;
7. maintain statistical and descriptive records of each participant's progress;
8. determine the appropriate time to refer the participant to the Project's Career Development Unit, advise the CD of the participant's needs, and follow the Career Development Unit's work with the participant;
9. help participants secure the return of fingerprints and bail money when applicable;
10. help vacate bench warrants (that is, get a defendant who missed a court appearance back on the court calendar without penalty);
11. prepare an initial recommendation for the dismissal, adjournment, or termination of his participants' cases for the court;
12. appear in court with each participant to provide information about his progress;
13. continue his own training as counselor through individual sessions with his Supervisor and group meetings once a week with the whole counseling unit; and
14. meet applicants for the position of Representative and interview them in a group setting.

These responsibilities have been modified in three major respects:

1. Reps no longer screen potential participants.
2. Reps no longer appear with participants in court.
3. Career Developers and Reps work in teams to service and counsel participants.

MANHATTAN COURT EMPLOYMENT PROJECT

Except in rare instances where a Screener is unsure of drug use, Reps no longer interview defendants before intake. Screeners have learned from Reps how to evaluate potential participants. Screeners also have assumed responsibility for court appearances to free Reps from time-consuming delays in court. Team work between Career Developers and Representatives will be discussed later.

Supervisors

Originally, only professional counselors were considered for the position of Counseling Supervisor. During the first two years of operation, the Counseling Supervisor's chief duties were to:

1. oversee all unit activities;
2. maintain statistical records of Representatives' activities, track the progress of participants handled by their unit, and write reports on participants for the court;
3. teach counseling techniques and help Reps plan for group sessions;
4. provide job-related counseling for Reps, including weekly group sessions for counseling staff.

With the subsequent coordination of the career development and counseling units of the Project, the position of Counseling Supervisor underwent extensive redefinition.

The Team Approach

The Project's counseling and employment services originally were designed as separate units—Human Services and Career Development—each headed by an Associate Project Director. Project administrators thought that this functional division of responsibilities would facilitate staff training and supervision.

From the Career Developer's point of view, however, the situation presented a continuing morale problem. The CD's work with participants centered only on vocational problems—lack of or dissatisfaction with work, schooling or training. Emotional problems, while possibly job-related, were strictly the province of the counseling unit. CDs worked hard to place participants, but lost contact with them once they were hired. Career Developers felt they were functioning simply as placement machines, which gave them little satisfaction.

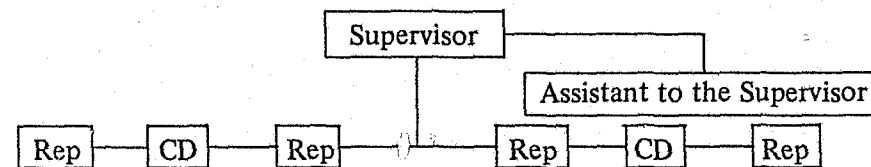
The first Representatives brought strong feelings of inadequacy and insecurity to their jobs. They overestimated the degree of intimacy they could develop with participants; they expected instant confessions of personal problems. While their expectations were rarely fulfilled, they felt that whatever participants did tell them should be confidential. Consequently, Career Developers were operating with insufficient information. Participants' case files were not available to them, depriving them of important information on participants' job strengths and weaknesses. Neither the Reps nor the CDs were benefitting from the others' insights.

The staffing pattern created problems beyond operations: it did not provide career opportunities for employees. As long as professionals staffed the Supervisor positions, the Rep was in a dead-end job. Career Developers were limited in upward mobility to one position—Associate Director of Career Development.

After analyzing these problems, Project administrators decided in January, 1970 to create teams consisting of two Reps and one CD (the staff ratio). Representatives in each team are

partners and cover for each other on field days, vacations and sick days. The Career Developer vocationally services both their caseloads. The three now share a set of records. They work closely as a team, exchanging confidential information as a matter of course. The office has been rearranged to facilitate the team work—desks are grouped in threes.

The Supervisor's position has been restructured to suit the team approach and to provide promotional opportunities for both Reps and CDs. The basic Supervisory unit now consists of six members in two teams:



An Assistant to the Supervisor has been added to the structure to provide clerical support. There are presently two such units of six, each headed by a Supervisor who had been a Rep. (CDs also can be promoted to Supervisor.)

In time, it became apparent that there was a need for the professional psychologist to assist staff training and counseling. It had been awkward for the professionals to function as Supervisors. Much of their time and talent was dissipated in administration, retrieving data, writing court reports, and preparing unit reports. Moreover, it was difficult to function as both Supervisor and Counselor of an employee who might be reluctant to discuss fears and anxieties—possible obstacles to efficient functioning—with a counselor who was also the “boss”.

The decision to use promoted Reps and CDs as Supervisors was coincidental with the decision to take the professional psychologist out of the chain of command so that he could function solely as a staff trainer and counselor. The position is called “Trainer”.

One Trainer was needed for every two supervisory units, plus one to concentrate on training for Screeners and on special training in vocational counseling for CDs.

Adding Trainers to the staff has strengthened the counseling program. Specifically, they have been instrumental in articulating job relevance, psycho-dynamic concepts and managerial needs. They have helped the entire staff to communicate freely with each other and with participants, and helped the administrators with their daily responsibilities.

GROUP COUNSELING

For more than a year no one was sure what Reps and participants could accomplish together in the space of three months. The Project experimented constantly; at one time there were as many as 10 different group counseling plans. It was hard sometimes for Reps and participants to know what was expected of them. No one knew exactly what a participant had to do to get his case dismissed: work and attend group sessions? work and get involved in group sessions? just work? Administrators realized that while Supervisors were telling Reps to get participants involved in group, dismissals were being granted to participants who spent 12 weeks being quiet, obedient, and uninvolved. Many Representatives did not feel comfortable in their relationships with participants. While trying to understand Reps' difficulties, Project administrators were anxious to develop the best possible program. But, they felt that if the program wasn't good enough to get a participant involved, it wasn't fair to penalize him with an adjournment instead of dismissal.

MANHATTAN COURT EMPLOYMENT PROJECT

The program lacked definition; the Project needed to state its objectives more clearly and to find or train Representatives who could achieve them.

In the summer of 1969, six new Representatives were hired. All were ex-addicts who had graduated from therapeutic communities, where five had held staff and administrative positions. They brought to the Project the “confrontation” style of counseling which encourages group members to express aggressively their feelings towards each other. Reps who had been working in the Project argued that this approach could not succeed in a non-residential setting. After much discussion, a counseling approach was developed that was built on the experiences of both groups of Representatives.

The new program is much more structured. Following an extensive intake interview with a new participant, the Rep schedules him for his first group meeting, Orientation. Orientation eases the participant into a group and explains what will be expected of him while he is in the Project. After completing Orientation, a participant is promoted to an on-going group headed by his Rep. On-going groups are taped. The tapes are used by Trainers to help Supervisors and Reps analyze, identify, and understand participants' problems.

Reps conduct group sessions at the Project's Lispenard Street clubhouse, located a few blocks from the court building. The highly charged atmosphere of the Criminal Court Building is not conducive to honest group confrontation. The clubhouse is a five-room suite, generously furnished by Playboy Enterprises with brightly-colored chairs, low coffee tables, a paperback library, a pool table and a stereo set.

FIELD VISITS

Reps have always made field visits to participants' homes. Seeing a participant on his own “turf” gives a Rep a more complete picture of the participant. He can double-check the participant's address, meet his family and friends, and talk to them about the program. When the Project began in 1968, each defendant was assigned at intake to the first available Rep. Participants were distributed equally so that no Rep had more than 20 in his caseload. Later, caseloads were organized geographically to minimize travel time in the field.

Originally, Reps spent half their time in the field. Project administrators knew the Reps felt uncomfortable in an office setting, and they wanted to take advantage of their ability to move easily in the city's ghetto neighborhoods. As the counseling program became more defined, however, Reps have had to spend more time in the office to report to Supervisors, prepare for group, listen to tapes and attend training sessions. Field visits still are important, but they are scheduled carefully. No Rep goes into the field without an appointment. He makes his first home visit during a participant's second week in the Project. Later, he visits the participant at his job or at school to check his attendance record and speak with his employer or teacher. A Rep now spends one and one-half days in the field—half the previous field time.

HIRING

Project administrators now know what it takes to be a competent, successful Representative. To maintain the caliber of the staff, they look for candidates with:

1. ability to differentiate between thinking and feeling;
2. ability to deal with office pressures;
3. ability to express themselves verbally and in writing;

Counseling

4. potential for development;
5. friendliness and an ability to relate to participants while maintaining objectivity; and
6. willingness and ability to accept constructive criticism.

Procedures for hiring Reps have changed. At first, the entire staff of Representatives interviewed all applicants and passed their recommendations on to the Supervisor. This system took too much of the Representatives' time. Now the Counseling Supervisor sees the applicants first and eliminates all but the most qualified. The Reps as a group then interview those who remain, using the confrontation-style approach, for which the applicants have not been prepared. By applying this kind of pressure, the Reps and Supervisors learn a great deal about an applicant's strengths and weaknesses. It is a grueling interview, but a mistake in hiring a Representative is considered damaging to the Project and a disservice to the applicant and to participants.

CONCLUSION

The counseling unit's most significant achievement in the last three years has been the development of a sophisticated and effective counseling program that draws on the talents both of non-professional Representatives and of Career Developers. Arranging the two staffs in teams has encouraged CDs and Reps to produce for each other as well as for participants.

And they have produced. During the first year of operation, dismissals of charges were recommended and accepted for 38.9% of the Project's participants; during the second year, the rate was 45.6%; and during the third year, 61.4%. During the first 22 months of operation the rate of rearrest among active participants was 12%; during the last six months the rate was 2.9%. During the first 22 months the rate of participant attendance at group counseling sessions was 45%; during the last six months it was 67%. And despite the dearth of jobs available on any level, an average of 78% of the participants were working, in a training program, or in school during the three-year period.

APPENDIX C REPORTING FORMS DEVELOPED BY ABT ASSOCIATES, INC. FOR LABOR DEPARTMENT

Individual Information Record

PART I: SCREENING INFORMATION

1 Defendant:

Name _____
Address _____

Telephone # _____

Nearest Contact:

Name _____
Address _____

Telephone # _____

Relation to Defendant: _____

2 Sex: 1. _____ Male 2. _____ Female

3 Race: 1. _____ White 2. _____ Black 3. _____ American Indian 4. _____ Oriental 5. _____ Other
3a If Spanish Surname: 1. _____ Mexican-American 2. _____ Puerto Rican 3. _____ Other

4 Birthdate: _____ (month) (year) 4a Age: _____

5 Referred By:

1. _____ Projects screeners
2. _____ Prosecuting attorney
3. _____ Judge
4. _____ Defense attorney
5. _____ Probation/parole
6. _____ Participant (check if family member ☐)
7. _____ Community source (specify: _____)
8. _____ Other (specify: _____)

11 Legal status at time of arrest:

1. _____ Clear
2. _____ On probation/parole
3. _____ Charges pending:
 1. _____ release on recognizance
 2. _____ bail
 3. _____ personal bond

12 Prior Record:

	Age	Charge	Disposition	Release Status
1. _____ None				
2. _____ Juvenile				
3. _____ Adult				

*If convicted and incarcerated, indicate actual time served

**If convicted and incarcerated, indicate release type on that sentence, e.g. "parole to 7/71"

13

	A. Any Past Record?		B. Any Evidence Of Current Problem?	
	No	Yes	No	Yes
a. Excessive alcohol use:	1. _____	2. _____	1. _____	2. _____
b. Mental illness:	1. _____	2. _____	1. _____	2. _____
c. Drug use:	1. _____	2. _____	1. _____	2. _____
check one: _____ addiction heavy abuse occasional use		check one: _____ addiction heavy abuse occasional use		

Project Name _____

Date _____ Completed by _____

ID No. ☐ ☐ ☐ ☐ ☐ ☐

6 a. Social Security # _____
b. F.D.I. # _____
c. Other _____

7 a. Date of arrest _____ / _____ / _____
b. Arrest charge: 1. _____ Felony 2. _____ Misdemeanor

8 a. Case No. _____
b. Preliminary Continuance Date _____ / _____ / _____
c. Court: _____

9 a. Defense attorney: Name _____ Address _____ Telephone # _____

b. Prosecuting attorney: _____
c. Judge: _____
d. Arresting officer: _____

10 Labor force status at time of arrest:
1. _____ Employed
2. _____ Unemployed: # of weeks _____
3. _____ In school: (school) _____ (grade) _____

10a Current or most recent job:
Job Title: _____
DOT Code _____
Number of weeks at this job _____
Average hours/week _____ Average hourly wage _____

10b If currently employed, specify:
Employer Name _____
Address _____

14 Handicapped or special health problem:
1. _____ Yes Describe: _____
2. _____ No

15 Admission Status:
1. _____ Accepted as Participant
2. _____ Accepted as Non-Participant
Not Accepted:
3. _____ Assigned to control group
4. _____ No show
5. _____ Prosecution denied
6. _____ Attorney unwilling
7. _____ Individual unwilling
8. _____ Court denied
9. _____ Juvenile record
10. _____ Adult record
11. _____ Drug problem
12. _____ Other (specify: _____)

15a If (1), (2), or (3) above checked, assign ID # and record in boxes above.

PART II: INTAKE INFORMATION

1 Length of residence in project area _____
(months) (years)

2 Marital status:

1. ☐ Never married
2. ☐ Married
3. ☐ Widow/widower
4. ☐ Divorced/legally separated

3 Head of household:

1. ☐ Self
2. ☐ Mother
3. ☐ Father
4. ☐ Other (specify: _____)

4 At time of arrest, living:

1. ☐ Alone
2. ☐ With parent(s)
3. ☐ With relative(s)
4. ☐ With spouse
5. ☐ With friend/opposite sex
6. ☐ With friend/same sex

5 Veteran status:

1. ☐ Non-veteran
2. ☐ Recent veteran
3. ☐ Other veteran

6 Number of dependents: _____
Ages: _____

7 Primary source of income:

1. ☐ U. I.
2. ☐ Welfare
3. ☐ Employment (self)
4. ☐ Employment (spouse)
5. ☐ Parents
6. ☐ Friends
7. ☐ Other

8	Father	Mother	Clergyman
Name:			
Address:			
Occupation:			

9 During the last 12 months prior to arrest, indicate:

a. Number of employers _____

b. Primary occupation: _____
Job Title: _____
DOT Code : _____

c. Average hourly wage _____
Average hours /week _____

d. Total estimated earnings during this period:
\$ _____

e. Number of weeks unemployed _____

f. Number of weeks employed _____
part-time full-time

g. Unemployment Insurance

h. Welfare Assistance

i. If living with family (parents, relatives, spouse), estimated total family income \$ _____
Number in family _____

Receiving Currently		Number of Weeks received in last 12 months
Yes	No	
1. _____	2. _____	_____
1. _____	2. _____	_____

10 Any training program experience prior to arrest?							
Program Name		Type of Training (skill area)		Dates Attended		Completed?	
				From	To	Yes	No

10a Other relevant program experience, e.g., counseling program, educational activities (outside of regular public school attendance) or other "officially sanctioned" activities (community programs, AAA, etc.)							
Program Name		Type of Program		Dates Attended		Completed?	
				From	To	Yes	No

11 Highest school grade completed _____		12 Occupational interest: _____	
If less than 12, reason for leaving school: _____		DOT Code _____	

CASE PROGRESS RECORD

Project Name _____
Counselor's Name _____
Date of Intake _____ Court Date _____
Participant's Name _____
ID No. ☐ ☐ ☐ ☐ ☐

1 Employment Referrals and Placements (begin with job held at enrollment, if any, and record all subsequent referrals and placements)

[illegible]

* 1 = project staff; 2 = other

2 Training Program Experience (begin with training activity at enrollment, if any, and record all subsequent referrals and placements. Do not include any project-sponsored training activity)

Date	Program Name	Type of Training (skill area)	Yes		No	Receiving stipend? If yes, Weekly amount	Yes	No - Why Not?
			Hrs/Wk	Start/End Dates	Why Not?			
Intake Activity								
1.								
2.								
3.								
4.								
Total Program Hours								

3 Educational Programs (begin with educational activity at enrollment, if any, and record all subsequent referrals and placements. Do not include enrollment in the project's own educational component) **ENROLLED?** **COMPLETED?**

Date	Program Name	Type of Program	Yes		No	Receiving Stupend? If yes, weekly amount	Yes	No - Why Not?
			Hrs/Wk	Start/End Dates	Why Not?			
Intake Activity								
1.								
2.								
3.								
4.								
Total Program Hours								

4. Agency Referrals:

Date	Agency Name	Problem	PROBLEM ALLEVIATED?	
			Yes	No - Why Not?
1.				
2.				
3.				
4.				

5 Services by Project Staff:

[illegible]

5a At termination, enter total hours by service code:

Service Code	Total Hours	Service Code	Total Hours
1.		6.	
2.		7.	
3.		8.	
4.		9.	
5.		10.	

5b Indicate any financial assistance received by the participant from project allowance or loan and assistance funds by weekly totals:

[illegible]

*SERVICE CODE

*SERVICE CODE	
Counseling:	0 = routine check 1 = individual counseling 2 = group counseling
Employment:	3 = job development interviews 4 = employer interviews
Education:	5 = individual instruction 6 = classroom instruction
Vocational Training: (code by occupational title and DOT code of course offered)	7 = _____ 8 = _____ 9 = <u>2</u> _____
Other: (describe and enter code 10 when appropriate)	10 = _____

6 List any tests administered during the program and scores on those tests:

Date(s) Administered:						Score	
Initial	Re-Test	Achievement	Title	Initial	Re-Test		
_____	_____	Aptitude	Title _____	_____	_____		
_____	_____	Intelligence	Title _____	_____	_____		
_____	_____	Personality	Title _____	_____	_____		
_____	_____	GATE	Title _____	_____	_____		
_____	_____	Other: _____	Title _____	_____	_____		
_____	_____		Title _____	_____	_____		

TERMINATION RECORD

Project Name _____
 Participant's Name _____
 Address _____
 ID No. ☐ ☐ ☐ ☐

<p>1 Project Recommendations Date _____</p> <p>1. <input type="checkbox"/> No Recommendation 2. <input type="checkbox"/> Dismissal 3. <input type="checkbox"/> Continuance → Continuance Granted?</p> <p>1. <input type="checkbox"/> No 2. <input type="checkbox"/> Yes, for _____ days</p> <p>(Do not complete this form until final recommendation has been made and recorded below.)</p> <p>1a Final Project Recommendation: Date _____</p> <p>1. <input type="checkbox"/> Dismissal 2. <input type="checkbox"/> No recommendation</p>	<p>2 If No Recommendation, check the one most important reason:</p> <table border="0"> <tr> <td>1. <input type="checkbox"/> Absconded/unable to locate</td> <td>8. <input type="checkbox"/> Misconduct/violent behavior</td> </tr> <tr> <td>2. <input type="checkbox"/> Re-arrested</td> <td>9. <input type="checkbox"/> Drugs</td> </tr> <tr> <td>3. <input type="checkbox"/> Administrative</td> <td>10. <input type="checkbox"/> Alcoholism</td> </tr> <tr> <td>4. <input type="checkbox"/> Institutionalized</td> <td>11. <input type="checkbox"/> Other (specify: _____)</td> </tr> <tr> <td>5. <input type="checkbox"/> Election for trial</td> <td></td> </tr> <tr> <td>6. <input type="checkbox"/> Poor adjustment</td> <td></td> </tr> <tr> <td>7. <input type="checkbox"/> Lack of cooperation/interest</td> <td></td> </tr> </table>	1. <input type="checkbox"/> Absconded/unable to locate	8. <input type="checkbox"/> Misconduct/violent behavior	2. <input type="checkbox"/> Re-arrested	9. <input type="checkbox"/> Drugs	3. <input type="checkbox"/> Administrative	10. <input type="checkbox"/> Alcoholism	4. <input type="checkbox"/> Institutionalized	11. <input type="checkbox"/> Other (specify: _____)	5. <input type="checkbox"/> Election for trial		6. <input type="checkbox"/> Poor adjustment		7. <input type="checkbox"/> Lack of cooperation/interest	
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6. <input type="checkbox"/> Poor adjustment															
7. <input type="checkbox"/> Lack of cooperation/interest															

<p>3 Pre-Trial Re-Arrest(s): (Record any arrest that occurred prior to adjudication for the original offense whether or not that re-arrest resulted in termination without recommendation)</p> <p>Date(s) of Re-Arrest _____ Charge(s) _____ Felony Mis'd. _____</p> <p>1. _____ 2. _____ 3. _____</p>	<p>4 Pre-Trial Status on Re-Arrest(s):</p> <p>1. <input type="checkbox"/> Bail 2. <input type="checkbox"/> Personal bond 3. <input type="checkbox"/> R. O. R. 4. <input type="checkbox"/> Detained _____ (total # days) 5. <input type="checkbox"/> Remained in project</p>
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<p>5 Status at Termination</p> <p>1. <input type="checkbox"/> Employed 2. <input type="checkbox"/> In School 3. <input type="checkbox"/> In Training 4. <input type="checkbox"/> Job and School or Training 5. <input type="checkbox"/> Holding for: 1. <input type="checkbox"/> Job 2. <input type="checkbox"/> Training 3. <input type="checkbox"/> Other (specify: _____) 6. <input type="checkbox"/> Other (specify: _____)</p>	<p>6 If Continuing (in-house) Project Activity Scheduled, check appropriate item(s):</p> <p>1. <input type="checkbox"/> Education # of days _____ 2. <input type="checkbox"/> Training # of days _____ 3. <input type="checkbox"/> Counseling (excluding normal follow-up activities) # of days _____ 4. <input type="checkbox"/> Other (specify _____) # of days _____</p>
--	---

7 Court Disposition (check appropriate outcome(s) on Original Arrest and any Re-Arrest that occurred during project participation whether or not that re-arrest resulted in an unfavorable termination.)

<p>a. Original Arrest Date of Adjudication: _____</p> <p>1. <input type="checkbox"/> Dismissed 2. <input type="checkbox"/> Acquitted 3. <input type="checkbox"/> Continued without finding 4. <input type="checkbox"/> Misdemeanor conviction 5. <input type="checkbox"/> Felony conviction 6. <input type="checkbox"/> Other (specify: _____)</p>	<p>Sentence</p> <p>1. <input type="checkbox"/> Suspended Sentence 2. <input type="checkbox"/> Probation _____ (term) 3. <input type="checkbox"/> Fine 4. <input type="checkbox"/> Imprisoned _____ (term)</p>
<p>b. Re-Arrest(s) Date(s) of Adjudication: _____</p> <p>1. <input type="checkbox"/> Dismissed 2. <input type="checkbox"/> Acquitted 3. <input type="checkbox"/> Continued without finding 4. <input type="checkbox"/> Misdemeanor conviction 5. <input type="checkbox"/> Felony conviction 6. <input type="checkbox"/> Other (specify: _____)</p>	<p>Sentence</p> <p>1. <input type="checkbox"/> Suspended Sentence 2. <input type="checkbox"/> Probation _____ (term) 3. <input type="checkbox"/> Fine 4. <input type="checkbox"/> Imprisoned _____ (term)</p>

<p>8 Legal Counsel:</p> <table border="0"> <tr> <td>a. Original Arrest</td> <td>b. Re-Arrest(s)</td> </tr> <tr> <td>1. <input type="checkbox"/></td> <td>1. <input type="checkbox"/> Retained</td> </tr> <tr> <td>2. <input type="checkbox"/></td> <td>2. <input type="checkbox"/> Legal aid</td> </tr> <tr> <td>3. <input type="checkbox"/></td> <td>3. <input type="checkbox"/> Court assigned</td> </tr> <tr> <td>4. <input type="checkbox"/></td> <td>4. <input type="checkbox"/> None</td> </tr> </table>	a. Original Arrest	b. Re-Arrest(s)	1. <input type="checkbox"/>	1. <input type="checkbox"/> Retained	2. <input type="checkbox"/>	2. <input type="checkbox"/> Legal aid	3. <input type="checkbox"/>	3. <input type="checkbox"/> Court assigned	4. <input type="checkbox"/>	4. <input type="checkbox"/> None	<p>9 Plea:</p> <table border="0"> <tr> <td>a. Original Arrest</td> <td>b. Re-Arrest(s)</td> <td></td> </tr> <tr> <td>1. <input type="checkbox"/></td> <td>1. <input type="checkbox"/></td> <td>Guilty</td> </tr> <tr> <td>2. <input type="checkbox"/></td> <td>2. <input type="checkbox"/></td> <td>Not guilty</td> </tr> <tr> <td>3. <input type="checkbox"/></td> <td>3. <input type="checkbox"/></td> <td>Nolo</td> </tr> <tr> <td>4. <input type="checkbox"/></td> <td>4. <input type="checkbox"/></td> <td>No plea</td> </tr> <tr> <td>5. <input type="checkbox"/></td> <td>5. <input type="checkbox"/></td> <td>Other (specify: _____)</td> </tr> </table>	a. Original Arrest	b. Re-Arrest(s)		1. <input type="checkbox"/>	1. <input type="checkbox"/>	Guilty	2. <input type="checkbox"/>	2. <input type="checkbox"/>	Not guilty	3. <input type="checkbox"/>	3. <input type="checkbox"/>	Nolo	4. <input type="checkbox"/>	4. <input type="checkbox"/>	No plea	5. <input type="checkbox"/>	5. <input type="checkbox"/>	Other (specify: _____)
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5. <input type="checkbox"/>	5. <input type="checkbox"/>	Other (specify: _____)																											

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