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The National Evaluation of the Standards and Goals Project

Executive Summary

Prepared for the National Institute of Law Enforcement and Criminal Justice, LEAA, Washington, DC

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AMERICAN INSTITUTES FOR RESEARCH/1055 Thomas Jefferson Street, NW, Washington, DC 20007

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INTRODUCTION

What follows is the Executive Summary of the evaluation of the Standards and Goals Program (S&G), sponsored during the period 1974 to 1977, by the Law Enforcement Assistance Administration (LEAA).

The S&G was a large ($16+ million) grant program for the purpose of funding state-by-state commissions. These commissions were to establish written, explicit "standards" of performance and long-term, statewide goals for all the law enforcement/criminal justice (LE/CJ) sectors--police, courts, and corrections. The commissions were to be composed of a mix of LE/CJ professionals and lay persons. While the standards would not have the force of law, LEAA hoped for three broad effects:

First, if it were possible to get explicit, objective statements on where a state wanted to go, there would at least be a framework on which to hand out the Federal resources that LEAA could provide. Second, with luck, the existence of a well-crafted, consensus set of standards at the state level would in itself be a catalytic element in prompting widespread change within that state. And, making an equally problematic assumption, that the standards of the separate states would tend to be "good" standards, LEAA hoped to set in motion events that would raise the overall quality of the system and decrease the inequities among localities.

We have stated these intended benefits cautiously. LEAA's rhetoric was less so. "The development of the standards and goals through a well-planned process," wrote LEAA in its statement of program strategy, "represents a historic milestone for criminal justice planning. It is singularly important to each local and state unit of government." LEAA went on:

> The concept of using standards and goals as the driving force for planning and operating the criminal justice system is not new. What is new is commitment to the institutionalization of the process of setting standards and goals as a major tool in planning, budgeting, and evaluating the effectivness of crime fighting efforts. The underlying premise of the standards and goals program is that if SPAs, criminal justice agencies, and the general public together reach consensus on the purposes, responsbilities, and goals of the system, adopt standards, goals, and priorities, and commit their energies and financial resources to their fulfillment, crime rates can be significantly reduced and the existing inequities of the criminal justic system can be eliminated or diminished.

In October 1976, the American Institutes for Research (AIR) was awarded a contract to evaluate the S&G program. The evaluation was completed in December 1978, describing what happened in three volumes. The first volume is an account of how the idea worked in practice and what was accomplished with the roughly 16 million dollars that LEAA eventually spent on it. The second volume takes on the much broader question of standards and goals in the lower case: what is the profile of LE/CJ standards and practice nationwide? The third volume is a concordance of the standards on a state-by-state basis, for use as a reference document.

OVERVIEW OF THE FINDINGS

To a point, the Standards and Goals Program was implemented as intended. Commissions were chosen, staffs were assembled, standards were considered and adopted by the designated bodies. Volumes of standards and goals were produced--41 of them, as of March, 1978.

Further, there is a large, unknown quantity of "good things" that inevitably followed from the program. More than $16,000,000 was spent, almost entirely on people. They were typically hard-working, bright, competent people. Most of them look back on their experience with S&G as a constructive part of their careers, and are proud of the job they did. Aside from the positive contributions they made to the program, they often were doing work that directly facilitated the operation of the SPA. Another nontrivial outcome is surely the education that the program provided for the S&G staffs. For most, S&G was a cram course of practical training about how the LE/CJ system works and who pulls the levers, and the future work of these persons in the system must benefit from the experience.

Finally, there are the imponderable consequences of continuing interactions among LE/CJ officials who were brought together by the Standards & Goals Program. Respondents often mentioned the role of S&G in getting people to talk to each other who before had *not* talked to each other. We were able to document that these interactions did not result in continuing systematic contact, but informal networks may have been strengthened.

So the S&G Program was not a scandal. It was a good-faith effort. But, it was also a failure:

> *The impact of the Standards and Goals Program was insignificant.* Nowhere did the program achieve the ultimate objectives intended for it.

The following pages summarize the evidence for this gloomy assessment. We work backwards, from a review of the impact accomplishments to the process outcomes to what we believe to be the real sources of failure in the program's conception.

ACCOMPLISHMENTS: IMPACT

Stimulation of Change in the LE/CJ System in General

As detailed in Chapter 8 of the full report, the number of instances in which S&G caused change appears to have been miniscule. This conclusion can be viewed from two perspectives.

First, and in many respects intuitively most convincing, the people who had reason to make a case for S&G did not claim substantial accomplishments for the program. Even if every account of S&G accomplishments in stimulating change is taken at face value, the achievements of the program would still look fragile and scattered.

But this general statement can be converted into numbers.

Systematic questioning on this topic of more than 500 people who were in the best position to know produced a total of only 112 changes in the 27 states that were associated *in any way whatsoever* with the Standards & Goals Program. When examined, this relatively small number attrited rapidly.

> Of the 112 changes or potential changes, *12 had already failed to reach fruition and 37 were still "pending."* Sixty-three were accomplished facts.
>
> Of the 63, *35 were judged have been only marginally affected* by the S&G Program.
>
> Of the 28 that remained, *only 6 could be judged as having been decisively affected* by the program.

Nor were our rating criteria severe. Given so few instances of plausible accomplishment, we gave the benefit of the doubt to S&G in borderline cases. It is simply a fact to be accepted:

> Neither the development of the standards nor the efforts of the staffs led to the stimulation of change that had been a basic goal of the program.

And there is no evidence that we observed the program before these outcomes could be expected to become visible. On the contrary, in most of the states we visited, the standards had already been forgotten.

Integration of Standards and Goals into SPA Planning and Resource Allocation

In theory, SPAs in 16 of the 27 states we visited had adopted all of the S&G standards and three had adopted at least some of them. But among these 19 SPAs, we found that, with regard to planning and funding decisions,

Two of the SPAs were ignoring the standards altogether;

Eight of the SPAs were using an after-the-fact approach, finding standards to fit the funded projects,

Three SPAs were requiring applicants to address standards in their applications, but ignored that section of the application in reaching funding decisions;

Four SPAs had abstracted or modified the standards so that they fit preexisting priorities, and

Two SPAs used local and regional funding processes that bypassed the state-level standards.

SPA accounts of attitudes about and practice toward the standards were consistent and negative. The overwhelming preponderance of evidence is that *S&G had no significant real impact on the subsequent work of the SPAs*. There may still remain, as during our field research, instances in which the standards are cited by SPAs in the comprehensive plans or funding decisions. In the states we visited, the SPA staff members asserted that these were paper exercises to comply with LEAA's demands. Perhaps they have more substantive content elsewhere.

Institutionalization of the S&G Approach

With the conceivable exception of four of the 27 states, institutionalization is a dead issue. *No plans exist for continuations of any sort in 23 of the 27 states*. The four exceptions involve possible outcomes, not accomplished ones.

* * *

The conclusion on the impact topic is free of important qualifications. The Standards and Goals Program was a clear-cut failure, if success and failure are put in terms of effects on the criminal justice system. And those were the terms that justified its existence.

The question then becomes, Why? Broadly speaking, a program may fail either because it was a good idea poorly implemented or because the idea itself had some flaw. Below we examine the extent to which each of these sources of failure played a role.

PROCESS OUTCOMES

Standards & Goals had only one tangible product, the actual volumes of written standards and goals and the collateral materials that were to go with them. To put the issue in terms of producing the written product, we capitulate from Chapter 7 of the full report:

The process envisioned by LEAA should have produced standards with three key characteristics.

First, they were to be *comprehensive*. The standards were to set the course for the system as a whole. For our purposes, we shall define comprehensive as including standards on at least law enforcement, courts, and corrections.

Second, they were to include *priorities*. One of LEAA's chief motivations for the S&G Program was its perception that LE/CJ planning was devoid of a sense of what should come first in the allocation of scarce resources.

Third, they were to include explicit *strategies for implementation*. LEAA did not expect full implementation to occur within the life of the program, but at least the route to implementation was to be developed.

How consistently did the states' S&G products meet these basic specifications? Not consistently at all. The breakdown as of the end of 1977 was:

Four states met all three criteria.

Ten states had published comprehensive standards and implementation strategies, but no priorities.

Eleven states had published comprehensive standards and priorities, but without an implementation strategy.

Sixteen states had published comprehensive standards, without either priorities or an implementation strategy.

Eight states had not published comprehensive standards, nor anything else.

One state did not undertake an S&G Program.

Or to put it another way, only four states out of 50 had produced documents that met the basic expectations of LEAA as described in its guidelines at the outset of the program. We hasten to add, however, that only modest emphasis should be put on that outcome. The four states in question--Florida, Indiana, Mississippi and South Carolina--were not otherwise noteworthy. Many other states did more real work on implementation, or specified priorities informally. Failures of the program as a whole should not be ascribed to mechanical breakdowns in producing certain elements. It is simply noted that the product LEAA ordered when it started the S&G Program was seldom the product it got.

In terms of *content of the standards* the influence of the standards developed by the National Advisory Commission was pervasive. Averaging across LE/CJ sectors, *45.0 percent of the "key elements" that were analyzed matched the sense of the corresponding NAC standard.**

But while the states borrowed widely from NAC, they did not borrow the same items. Only *16 of the 136 key elements reached a two-thirds majority in even modified support of the NAC position, and 37 of them were adopted by fewer than a third of the states.*

This is not meant as either praise or blame--the NAC standards are by no means treated here as the model to be emulated. The point is rather that the S&G process suggests a continuing broad lack of consensus among the states on LE/CJ matters, insofar as the standards do in fact represent a state's sentiments.

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*The phrase "key elements" refers to items in the NAC standards that had concrete policy implications.

THE PROCESS ITSELF

Chapters 4, 5, and 6 of the full report described the composition and operation of the 27 S&G programs that were the subject of field approach. Variations in process were great. Recapitulating from Chapter 6:

Eight of the 27 states could be characterized as approaching the model most consistent with LEAA's rhetoric, the *public participation model*. This model denotes an effort to get the public involved, draw up fresh, tailor-made standards, and publicize them. Structurally, the public participation model consists of an independent S&G Commission especially created for S&G, inclusion of non-LE/CJ persons, multiple committees and task forces, lots of public hearings, emphasis on legislative initiatives to implement standards, and as much publicity as possible. States that fit (sometimes precariously) into this category were Maine, Kansas, Minnesota, Louisiana, New Mexico, and Idaho (with considerable overlap into the political model), and Florida and Delaware (with considerable overlap into the bureaucratic model).

Three states--Georgia, California, and Colorado--can be classified as most representative of the *political model*. The political model, perhaps more properly seen as a subtype of the public participation approach, occurred when a powerful official or group decided to become S&G's patron. The key structural features distinguishing it from the public participation model tended to be closer outside control over (or guidance of) the activities of the program, and some quite specific political points that the patron intended to make--whether in the form of an active legislative program (Georgia) or in the form of "law and order" credentials (as was said by Reagan's political opponents to have been the case in California). Note that all three of the states categorized as "political" had a second phase, when the political activity died and the program reverted to a bureaucratic or compliance mode--or, in California's case, became moribund.

Ten states--the largest group--are examples of what may be called the *bureaucratic model*. The bureaucratic model represents states that saw the S&G Program as a primarily technical task, with implications for LE/CJ professionals in general and the SPA in particular. The SPA Director had chief responsibility; the staff was typically integrated into that of the SPA, the Commissioners usually were members of the SPA supervisory board, and SPA funding decisions were the ostensible purpose. Little publicity attended the process. We classified Utah, Alabama, Pennsylvania, Texas,

Wisconsin, Washington, Mississippi, Michigan, Illinois (with a very strong professional orientation) and Iowa (with some peculiarities in the early stages) in this category.

The fourth model is labelled *strict compliance*. In its pure form, this model denotes the process of going through the motions. It shares the structural characteristics of the bureaucratic model, with these variations: few if any new hires for the S&G staff (use existing SPA staff), few if any commission members from outside the SPA board, pro forma adoption of the standards (if any), and few attempts at publicity. We put North Carolina, Nebraska, Indiana, and North Dakota in this category, along with Ohio and Oregon during their latter phases. But it should be noted that we could have added several of the "bureaucratic" states to this category with very slight adjustments in the criteria we employed.

"Process" is interesting and important primarily insofar as it makes any difference to some sort of outcome. And in this respect the analysis of the S&G process was a washout:

> The main point of interest about the S&G process in the 27 states is that it exhibited so much variance while the measures of impact exhibited so little.

The one possible exception to this statement is Maine. The program in Maine was still in progress when observations ended, and it was at that point premature to make statements about the impact or lack of it achieved by Maine. It did seem that Maine was generating more local participation, more genuine citizen interest in the standards than was observed in any other state. Maine is unusual in other respects as well--its small population, lack of major urban centers, racial homogeneity, and other features that may have facilitated the kind of community approach that was attempted. Generalizations from the Maine experience are risky. If the Maine S&G program does produce results, it may be a signal that the public participation model will work when a real social and political "community" is the setting. But, it must be emphasized, this presumes final results of the Maine program that had not had a chance to occur or fail to occur when observation ended.

THE CONCEPTS BEHIND STANDARDS AND GOALS

It seems improbable that S&G's failure can be ascribed to breakdowns in program implementation (see Chapters 4-7 of the full report). Many of the states brought ample energy and imagination to their part in S&G. Several of the states put together an effort that gave S&G a very good shot indeed. Among them, just above every plausible route to impact was explored. And none of them worked. The evidence is persuasive that

> *The central concepts of the program were at fault.* A real problem had been perceived. Worthy objectives had been set. But *the program they prompted failed to deal with a few key obstacles that would inherently frustrate its ambitions.*

Given the luxury of hindsight, we have concluded that the Standards and Goals Program as designed could not have been made to work.

Below, we suggest two interlocking flaws in concept: the assumptions about the capacity to write valid standards, and the assumptions about the right political and professional aggregate for legitimizing those standards.

The Limits on the Possible in Standard-Setting

The attractiveness of S&G's central premise is hard to resist. The premise was that standards are important, even crucial, to long-term progress in criminal justice, and that they were inadequately specified and accepted. We shall not recapitulate the entire argument here. We simply wish to make clear that

> The impulse that led to the creation of the Standards and Goals Program is not at issue. *The need for LE/CJ standards was and remains real.*

It was not the need for standards that was illusory, but the feasibility of producing the kind of standards that LEAA wanted. *The S&G Program asked for a product that could not be produced.*

That product, it will be remembered, was to have been a set of standards setting forth the minimums that would be tolerated in criminal justice practice. The standards were to guide policy. They were to be the foundation of planning. They were to have the tacit force of norms. They were to be such that a person could say of an LE/CJ agency that it was or was not operating "up to standard."

From an abstract point of view, preparing such standards is a matter of writing them down. Almost any topic in LE/CJ can be conceived in terms of "standards," from response-time for police to definitions of "speedy trial" for the courts to the availability of medical care in correctional institutions. But the key to the objectives set for S&G was that these standards eventually be usable. And this brings the issue from the abstract to the concrete. For, to have even a chance of being used, a standard must meet three preconditions.

First, *the standard must have operational meaning*, for self-evident reasons. General principles of justice (e.g., "Ensure a fair trial") are not directly implementable.

Second, *the standard must have broad acceptance* among the people with the power to translate the standard into policy or law. Also for self-evident reasons.

Third, *the standard must possess objective validity*. Except for the rare, universally acclaimed standards, implementation of standards ultimately entails some measure of compulsory compliance. It was not an aspect of S&G that LEAA liked to emphasize, but everyone, especially at the local level, was sensitive to the long-term enforcement implications of standards-setting.

Failing any one of the three criteria, a standard was unlikely to move beyond the printed page. Lacking operational content, it literally *could not* be implemented--a fact that received surprisingly little attention when S&G was in the planning phase at LEAA. Lacking broad support, it would be unlikely to obtain approval. Lacking a measure of objective validity--that is, to the extent that reasonable people could reasonably object to it--compulsory compliance would be difficult to justify.

Meeting these criteria turned out to be feasible for only a limited range of standards. Externalities--conditions over which S&G had no control--undermined LEAA's objectives for S&G. For convenience, we label them *scientific uncertainty, cost tradeoffs, and subjective values*, and deal with each in turn.

Scientific Uncertainty. The first externality is the state-of-the-art in law enforcement and criminal justice. The Standards and Goals Program mandated the states to produce comprehensive, enforceable standards and goals in a context of widespread ignorance:

> *The domain of concrete, objectively valid standards is narrow*, far more so than the ambitions for S&G took into account.

This is not the place for a review of the LE/CJ research literature. We will leave it as an assertion that the state of LE/CJ knowledge in the late 1970s is still inexact at best, and riddled with gaps on some of the most important topics with which the states' standards were supposed to deal. Policing alternatives, sentencing alternatives, and correctional alternatives are typically just that: alternatives, with only educated guesses and tentative findings to guide decisions on the best way to proceed.

S&G's advocates did not expect matters to be otherwise. At no point in the development of the program did LEAA intimate that the final word on LE/CJ practice was about to be developed. On the contrary, the issue was finessed: only the standards-setting *process* was endorsed. LEAA carefully steered clear of appearing to sponsor any particular set of standards. The states were to decide what was most appropriate for their specific situations. The latent answer to the issue of scientific uncertainty was a commonsensical one: something is better than nothing. Educated guesses are preferable to plain, unadulterated guesses, and the S&G process would at least give the educated guess a chance.

But that logic broke down when it came to the standards-setting process. The people who sat on the S&G commissions and the local officials who read the S&G volumes they produced were also aware of the flimsy or arguable basis for many of the standards. And *that a standard is known to be based on an educated guess drastically increases the difficulty of encouraging its adoption in a reluctant community.* The rationale of the S&G Program depended heavily on the dynamics of professional peer pressure, a community of opinion, or even on the generalized urge to keep up with the Joneses. But when a standard was based on admittedly tentative knowledge, the doubts and differences within the professional and lay communities alike were well-recognized. Professional and public pressure had no hard core of confident knowledge around which to crystallize.

Thus the role of scientific uncertainty in justifying reasonable people in their reasonable objections to many of the standards that were set by the various commissions. *Many of the standards could not credibly be presented as "the right thing to do."* They could only be presented as *probably* the right thing to do, in the context of the zigs and zags of fashion that have characterized the practice of LE/CJ. When commission members responded skeptically to the rhetoric of the Standards and Goals Program, they often reminded us that they were not necessarily cynical nor reactionary. They were, they said, just remembering a history that they did not care to repeat.

Cost Tradeoffs. The second externality that obstructed the achievement of the product LEAA sought was the issue of tradeoffs between the benefits that a standard might promise and the costs of bringing those benefits about.

As in the case of scientific uncertainty, the magnitude of the problem is hidden by omission. Standards with large price tags attached often never came under consideration. But even among the standards that survived, cost was often relevant. Among the 134 applicable key elements, for example, an even 50 percent involved large, continuing dollar costs. Being a good idea was not enough to make a standard acceptable:

> Even when the virtues of a standard were clear, *the costs of implementation could lead reasonable people to reject it*, depending on local and often idiosyncratic conditions.

The tradeoff calculation was in part a function of the population of a jurisdiction, and the standards frequently tried to take this factor into account. Standards would sometimes provide alternative actions for agencies of different sizes, or exempt smaller agencies altogether.

But size was only one of the potential discriminating variables, and the easiest to handle. It happens that needs vary, even for jurisdictions of similar size and budget resources. A standard that was worth the money to implement in one city was of peripheral importance in another. And it put the standards-setters in a dilemma. If they tried to specify what constituted an objective "need" sufficient to make the standard applicable, they opened themselves to endless definitional disputes. But when they took the easier route (e.g., "Maintain at least a part-time tactical crime force, consistent with an analysis of needs...."),

they removed the teeth from the standard. Compliance with the standard became impossible even to determine, let alone enforce.

The cost tradeoffs could not have been resolved given more time, more money, or more methodological expertise. Even if the technical problems could have been resolved, the question of local preferences would have remained. Given a benefit of some importance, but not crucial; given costs of moderate size, but not trivial, local jurisdictions had a ready-made reason to decline to comply with many standards.

Subjective Values. The third externality is variations in values across localities, geographic areas, and especially across ethical and political stances. Many criminal justice issues transcend questions of effectiveness--for example, should convicted felons be released if the risk of recidivism is low (they are not a threat to society) or confined for an extended period anyway (a serious crime requires serious punishment)? Data cannot decide the issue, on this and on a wide range of other topics that the standards dealt with.

The problem of values was least a problem in law enforcement and prosecution/defense, where fewer than 20 percent of the key elements were rated as entailing high-valence value issues. It was more often a problem in the courts (29 percent), and it was a pervasive problem in corrections, where more than two-thirds (69 percent) of the key elements were ones that dealt in highly value-laden issues.

A few of the items entail constitutional issues that eventually could be resolved for all. Most of them do not:

> *Many of the issues for which LEAA sought standards have no "right" answer*, even in constitutional law,

and to set standards assigned an objectivity to them that does not exist in fact. A prickly, highly political issue is raised: in this context, is standards-setting by the state a legitimate exercise of authority? Many commissioners thought not, accounting in part for their unwillingness to develop explicit operational standards.

Taking the effects of these three factors together--scientific uncertainty, cost tradeoffs, and process values--LEAA's rhetoric about the scope of the S&G process led to a trap. For the rhetoric raised expectations of both wide-ranging, course-setting standards *and* implementation of

those standards. But the characteristics of implementability--specificity, broad support, objective validity--were hard to come by. The mushiness and lack of comprehensiveness in the standards reflect this constraint.

Sources of Legitimacy

The other major defect with the concepts underpinning the Standards and Goals Program is argued to be one of legitimacy. If the standards were to be adopted and integrated into planning, they had to be accepted by several constituencies. Which constituencies, reached by what routes, could vary greatly depending on premises. LEAA's premises were that the "state" was an appropriate unit of aggregation, and that the legitimization process was essentially a political one. Again taking advantage of our access to hindsight, we question whether either premise made sense.

The State as a Unit of Aggregation. Even as the NAC was writing its national standards, the New Federalism was becoming a key part of the Nixon administration's program. At the same time, LEAA had become highly sensitized to state resistance of federal intervention in law enforcement and criminal justice. Financial assistance was generally welcome; direction was not. Thus the idea to use the state as the unit of standard-setting and implementation had natural impetus. It was hoped that the states would be able to accommodate differences in values, in aspirations, in financial resources; and at the same time serve as a convenient unit of implementation through state-wide legislation, state-wide agency policy, and state-wide disbursement of LEAA block funds through the SPA.

In terms of implementation, the state as a unit of aggregation may have been appropriate. But as a means of of reducing heterogeneity, the state as the unit of aggregation did not offer much leverage. It appeared that, as a rule,

> *The states did not form communities of opinion or common experience that facilitated agreement on standards.*

The within-state variation in resources, needs, and values was very great, perhaps as great as the between-state variation.

This conclusion is based in part on qualitative accounts by the state officials we interviewed. They routinely described significant divisions within their state's demographic or ethnographic makeup. Typically, the differences were multi-dimensional, leading to characterizations of two (or more) cultures--rural Georgia versus the "state of Atlanta," the western versus the eastern slopes of Colorado, southern Louisiana versus northern Louisiana, downstate Illinois versus the urbanized Chicago area. Virtually every state had its tale to tell.

The nature of the heterogeneity can also be seen in the numbers--in measures of racial composition, economic disparity, voting records, religious affiliation, and the like. The simplest and most pervasively important number is perhaps the split between the metropolitan and small-town/rural environment. Among the 41 states that had completed their S&G volumes by March 1978, the split was a nearly even 52 to 48 percent. Only four of the states could be called homogeneously metropolitan (at least 80 percent of the population living in metropolitan areas) and only four could be called homogeneously small-town or rural (no more than 20 percent living in metropolitan areas). The standards had to be made applicable to widely varying circumstances, even within the state unit.

Beyond these demographic specifics or cultural patterns in particular states lay the suspicion that smaller jurisdictions hold toward the ambitions of larger ones. It is an American tradition. Many would argue it is a strength. The SPAs have to approach it as an obstacle. But whatever its virtues or lack of them, it exists. *The same forces that prevented the National Advisory Commission from generating a concensus across states prevented S&G from generating a consensus within states.*

Acceptance of the Standards: Who and Why. In LEAA's original rhetoric and in the ongoing S&G efforts, practice was commonly based on the assumption that acceptance of the standards was a *political* process. The standards would have behind them the force of public opinion, would be an official statement of policy, perhaps out of the governor's office, would be a topic for public position by state legislators and other political figures. And the standards would be translated into practice because they were in some sense legitimized as being the will of the people.

The problem was that the role envisioned for the public opened up this dilemma.

The issues that should properly be decided by the community, not by the professionals, were also the ones so controversial and so subjective that implementable state-wide standards could seldom be established.

The issues that *did* lend themselves to standard-setting--technically oriented, confined in scope--were the ones that the public was least qualified to devise or even to judge. Also, they were the ones on which the public could confer the least legitimacy. Correctional officials were not impressed by a lay panel's opinion about how to handle inmate grievances. Judges did not hurry to change court procedures because anyone but another judge (or perhaps lawyers) urged so. Police generally looked uncharitably on the nonprofessionals' pronouncements about how they should allocate their patrol resources.

The concept of public participation is not criticized here. On the contrary: for the product that LEAA sought from the Standards and Goals Program, the role assigned to the public was essential. But for the product that could actually be produced, the public's role was both less important and, often, a detriment:

The key constituency for adoption of the standards that could be produced was not the public, but the LE/CJ professionals.

For, regardless of the role that a state decided to give to the professionals in the *development* process, they automatically, unavoidably stood at the center of the *implementation* process. Without their active support in legislative hearings, in issuing directives to subordinates, or in complying with directives from the higher-ups, the standards were bound to be stymied.

POLICY IMPLICATIONS FOR LEAA

Partial successes are typically a rich source of ideas and improvements. The lessons of failures are mostly indirect, except for the central one (don't do it again). Thus our list of concrete suggestions is short, and the indirect lessons are in part speculative. The following pages should be read in that light.

The need for standards is real, once it is recognized that only certain limited areas in LE/CJ lend themselves to standard-setting. Those areas are almost exclusively

technical. Within these limited areas, measures of "good" and "bad," "adequate" and "inadequate" are defined by the craft, and are properly formulated by the craftsmen. In general,

> LEAA should support continuing efforts by professional organizations to develop and disseminate standards.

In doing so, enthusiasm for standards, any standards, is inappropriate even when the topics are technical ones. We detect no virtue in institutionalizing fads, or in calling a predilection a standard. Above all,

> *LEAA should back off from the shotgun endorsement of standards-setting, and choose its targets more selectively.*

LEAA is currently sponsoring efforts related to jail standards that come close to the approach that seems most attractive. A specific area of concern is chosen, about which there exists widely shared notions of what the standards should be, and LEAA provides specific incentives (via an accreditation process) for meeting those standards. Picking its targets, LEAA should make headway.

Another legitimate role for LEAA in the development of standards concerns the professional community and the state of knowledge. When the task is put as an injunction to "develop standards," the professional community will tend to act as the S&G commissions did--avoid the controversial topics or water down the "standard" to no real meaning all. But the task can be put another way: "Here is a topic of great importance on which there should be standards but are not. Why not?" The recommendation is not for a research program; rather, the professional community should take the lead in specifying needs. Is the desirability of any one course of action on topic X really so unclear? Is there a commonly agreed upon "best way," but one that is still politically unpalatable? If the best course--the proper "standard"--is in fact still unclear, what outstanding questions must be answered before progress can be made in reaching a standard? Much can be done to pare away fake uncertainties from real ones--if the task put in those terms.

We should stress that the use of professional associations for the purposes we have suggested has practical advantages:

> For those standards will rely on voluntary compliance, *a well-publicized consensus among peers is probably the most promising approach for promoting wide-spread acceptance.*

The S&G experience convincingly demonstrated the limitations of legislation and of administrative fiat in implementing standards. They are cumbersome routes, very seldom used. In the still highly decentralized field of LE/CJ, professional pride may well be the most effective (and often the only feasible) way of promoting implementation.

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The evaluation has focused on concrete indicators of success--changes in LE/CJ practice--and has been unrelievedly negative. The question is legitimate: Might other perspectives yield a different picture?

If the alternative perspective is long-range impact, the answer is surely no. Even when we conducted the field work, the memory of S&G in those states that had completed the process was already vague. Many LE/CJ officials we interviewed had forgotten the project altogether or, if they were new to their jobs, had never heard of it. The transfer of the standards from printing press to the shelf was typically immediate.

But another alternative perspective is more troublesome. It would reject the notion that S&G "had" to be a failure. On the contrary, it would portray the S&G Program as having successfully done its job in many states--until the State Planning Agencies dropped the ball. If the SPAs had put teeth into the standards via their funding and planning decisions, S&G would have worked.

It is an arguable position, especially if "planning linked to standards" is believed to be intrinsically good, a step in the right direction, independently of other considerations. And this is the point at which the S&G experience is potentially most pregnant with implications. For the alternative to blaming the SPA is the one we find more plausible: the SPAs were behaving reasonably by *not* using the standards as the basis for planning. But if that is the case, then the S&G experience calls into question many of the assumptions behind the LEAA planning process itself. It is a line of logic that we cannot pursue at length with the data at hand. We offer these thoughts.

The LEAA planning process is predicated on the notion that the LE/CJ system possesses the qualities of a genuine system. That it is susceptible to systemic analysis. That functions can be linked across the sectors. That suboptimization of components within the system is a reasonable goal. That issues of efficiency and effectiveness can usually be separated from issues of values. That a state-level funding agency can establish priorities and allocate scarce resources on a more rational basis than the one that would result from a pro-rata distribution of funds.

The S&G experience does not in any sense "refute" these notions. It does provide striking evidence for some competing conditions and competing notions. They stem from this basic observation about the S&G: *Given generous time, money, and opportunity, the states were unwilling to set down any but the most innocuous, general statements of how their criminal justice systems should function.* With the rarest exceptions, they rejected flat assertions about what constitutes proper practice. They would not set priorities, or would set only very flexible ones. The states differed widely among themselves, reaching anything approaching a "national consensus" on only a handful of items. Solicitude for local judgments and local options was almost universal. On all of these counts, the S&G experience can be interpreted as at odds with the philosophy behind the elaborate planning approaches for making "rational" use of LEAA funds.

Added to this is the pervasive cynicism about the planning process that existed in virtually every SPA we visited. It was not our job to assess that process. But it became a principal topic of conversation when we discussed integration of the standards into the state plan, and it would be disingenuous to ignore the many remarks heard among the SPAs we visited. The size of the comprehensive plans (sometimes over 1,000 pages) and the incommensurate review period (usually about 30 days) was one source of jokes and sarcasm. Another was the set of Federal requirements that, according to many SPAs, leave them with genuine authority over only 10 or 15 percent of the formula grant funds. As a "planning tool," the standards were typically seen by their staffs as one more contraption added to an already contrived procedure.

And finally, there were the thoughtful comments we heard about standards as a basis for use of Federal funds and innovation. As noted, the standards that can be enforced most confidently are generally the most prosaic as well--and are inherently likely to be so. Does LEAA really want to channel its money toward these kinds of improvements?

Or does it want the bulk of its money to finance more innovative improvements that local jurisdictions would not initiate on their own *and that are not yet appropriately designated as standards*? We do not try to make a case for either approach. Tension does exist between them.

Taken together, these considerations point to the possibility that S&G was not an aberration at all, or even a "mistake." Given the way that LEAA wants to go about its business, the Standards and Goals Program may very well have been a sound next step; the right thing to do; the indispensable adjunct to planning that S&G's progenitors said it was. In that light, perhaps there was nothing wrong with the concept behind S&G.

But at the beginning of the chain are the givens of the logic, the same givens that led to the creation of State Planning Agencies, Regional Planning Units, comprehensive state plans, prioritization, funding guidelines, and the rest of the elaborate process that has emerged. If these givens are all that LEAA has assumed, S&G should not have been the failure that it was.

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