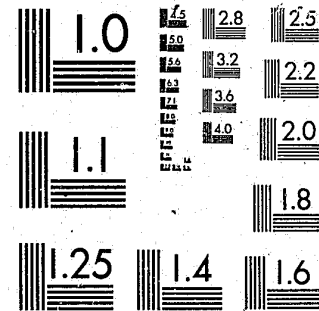


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- Evaluates the effectiveness of federally-funded justice improvement programs and identifies programs that promise to be successful if continued or repeated.
- Tests and demonstrates new and improved approaches to strengthen the justice system, and recommends actions that can be taken by Federal, State, and local governments and private organizations and individuals to achieve this goal.
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Harry M. Bratt  
Acting Director

# Misdemeanor Courts: Designs for Change

U.S. Department of Justice  
National Institute of Justice

77378

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July 1981

A Joint Project of:  
**American Judicature Society**  
and  
**Institute for Court Management**

**U.S. Department of Justice**  
National Institute of Justice

National Institute of Justice  
Harry M. Bratt  
Acting Director

This project was supported by Grant Number 76-NI-99-0114 and Grant Number 78-NI-AX-0072 awarded by the Law Enforcement Assistance Administration, U. S. Department of Justice under Title I of the Crime Control Act of 1973, Pub-Law 93-83. Points of view or opinions stated in this document are those of the author(s) and do not necessarily represent the official position or policies of the U. S. Department of Justice.

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## PREFACE

Insufficient attention has been paid to the misdemeanor courts. Systematic efforts to implement innovative programs in these courts have been few and far between. Where attempted, these efforts have gone largely unreported. Similarly, researchers have tended to bypass misdemeanor courts, focusing their attention on other trial courts and the appellate courts. Consequently, not only do we know very little about misdemeanor courts, but we also have a very poor sense of what we need to know.

The project which has resulted in this two volume report represents an attempt to address this situation. Conducted by the American Judicature Society and the Institute for Court Management, this two-phase project has been aimed at learning more about this nation's misdemeanor courts. The first phase of the project was oriented towards identifying management problems and research issues in these courts, and developing and testing (on a limited basis) two innovative programs in misdemeanor courts in Tacoma, Washington; Salem, Massachusetts; and Ayer, Massachusetts. During the second phase, the two programs developed during the first phase -- the Case Management Information System (CMIS) and the Community Resource Program (CRP) -- were implemented and researched in four misdemeanor courts.

The CMIS program is based on a simple, manual record-keeping system for case-progress monitoring and statistics, which is intended to provide management assistance to small city and rural area misdemeanor courts. The CRP, on the other hand, was designed to address resource problems of medium size courts in urban areas. Its four active components include a citizen advisory board, resource brokerage, community service restitution, and expanded volunteer services.

The first volume, Misdemeanor Courts: Designs for Change, describes and comments on these programs, the court environments in which they were implemented, and the implementation process. The staff of the Institute for Court Management carried

primary responsibility for developing and demonstrating the two innovative programs. The Case Management and Information System (CMIS) was implemented in the Blue Earth County Court (Mankato, Minnesota) and the Nueces County Courts At Law (Corpus Christi, Texas). The Community Resources Program (CRP) was implemented in the Pierce County District Court Number One (Tacoma, Washington) and the Travis County Courts At Law (Austin, Texas).

The second volume, Misdemeanor Courts: Policy Concerns and Research Perspectives, reports on the research conducted for this project. Primary responsibility for conducting the research was carried by staff members of the American Judicature Society. Part I of this volume contains literature and state-of-the-art reviews on the misdemeanor courts, misdemeanor court management, and misdemeanor probation services. Part II reports on the results of empirical research on various dimension of the CMIS and CRP programs, including analyses of the CMIS program in Mankato, the community service restitution program in Tacoma, and the experiences of citizen advisory boards in Tacoma and Austin. In addition, the overall change process in implementing the CRP program in the Tacoma and Austin courts is analyzed. Part II of this volume also contains a chapter that analyzes adjudication and sentencing practices in the Franklin County Municipal Court (Columbus, Ohio) and a chapter that reports on a national study of judges' perceptions of the effect of defense attorney presence.

This project would not have been possible without the cooperation of the judges, court administrative and probation officials, and clerical staffs in the various project sites. Their willingness to experiment with these programs and to allow us to look over their shoulders while they were doing so is very much appreciated. Moreover, their candor in revealing their perceptions of the inner workings of their courts greatly helped to insure the accuracy of our findings.

We are also indebted to the members of our two advisory committees. The advisory committee for Phase One included Jerome S. Berg, Esq., Honorable Dorothy

Binder, Honorable J. Patrick Corbett, Professor Elmer K. Nelson, Honorable Robert Wenke, and Charles R. Work, Esq. Serving on the advisory committee for Phase Two were Dr. Jerry Beatty, Honorable Patricia Cocalis, Nancy Goldberg, Esq., Professor Milton Heumann, Professor Elmer K. Nelson, and Charles R. Work, Esq. We very much appreciate their support and advice.

Finally, we would like to thank Carolyn Burstein, Voncile Gowdy, Jack Katz, and Cheryl Martorana of the National Institute of Law Enforcement and Criminal Justice. Because of the multiplicity and diversity of these courts and the dearth of knowledge about their operations, there was constant temptation in this study to try to do too much. If we have erred in this respect, this is one instance where it cannot be blamed on NILECJ for encouraging a "more is best" approach. On the contrary, NILECJ staff consistently cautioned us not to try to do the undoable.

Even then, this final product may appear to reflect different approaches to addressing widely divergent issues and concerns. For this, we offer no excuses. As this project unfolded, it became clear to us that, given the present state of our knowledge, the misdemeanor courts can be viewed as both political institutions and social organizations. As such, they are called upon to satisfy a broad range of social, political, and personal interests. To many, they are courts of law, expected to dispense even-handed justice. Others view the primary purpose of these courts as that of maintaining order, providing social welfare services, or furthering personal political interests. To some officials, they represent an important source of local revenue, and this revenue-generating function is considered paramount.

Analyses contained in individual pieces in these two volumes reflect these varying perspectives. It is hoped that, considered as a whole, they will advance our knowledge of the misdemeanor courts and contribute to a clearer understanding of their place in American society.



## INTRODUCTION

The nation's misdemeanor courts process millions of persons annually. The quality of these courts, and the nature of the justice administered in these settings have occasioned severe criticism over many years. Yet these courts often are overlooked in the research literature or continue to be low priority items with state judicial system reform efforts.

It was extremely appropriate, then, for the National Institute of Law Enforcement and Criminal Justice, United States Department of Justice, to solicit researcher interest in these forums. A three-year interorganizational study/demonstration by American Judicature Society and Institute for Court Management sought to capture the characteristics of these courts, determine their special management problems, and demonstrate and evaluate programs that were directed at certain prioritized concerns. Moreover, a project guideline was that the management innovations to be tested should be achievable at little or no cost to participating courts.

It is obvious that implementation of the programs described here will address only certain of the problems of these courts and will not by themselves change overnight the quality of misdemeanor justice. Also, it should be noted that many lower courts function quite well at the present time.

Project constraints limited the program's demonstration phase to a limited number of innovations in a restricted number of sites. Substantially more research and demonstrations are needed in this forum, and it is hoped that the materials set forth here will encourage practitioners and others to further examine these settings, gather useful information, join with appropriate officials to review these data, and design viable approaches to court improvements.

This volume, one of two published by the project, is directed particularly to misdemeanor court practitioners, including judges, administrators, clerks, and probation directors. Its five chapters consider misdemeanor court problems

and innovations, describe the design and implementation of a Case Management and Information System and Community Resource Program, and comment on various aspects of the design and implementation of these programs that should be of interest to courts and probation agencies that may wish to adopt or adapt a replication of these approaches.

Certain materials set forth in Chapters I, II, and III were based on an earlier, non-published report prepared by AJS staff members. All other materials in this volume were written by H. Ted Rubin, ICM, or by Maureen Solomon, a special consultant to the project, with helpful review provided by Harvey E. Solomon, Executive Director of the Institute.

It is hoped that misdemeanor court officials and other interested persons will find these materials sufficiently detailed and clear to serve as a practical guide to their consideration of implementing changes in these directions.

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## CHAPTER I

### THE IDENTIFICATION AND PRIORITIZATION OF MISDEMEANOR COURT PROBLEMS AND INNOVATIONS

#### Introduction

Court analysts have traditionally assumed that better management techniques and more resources would automatically improve misdemeanor court performance. Such assumptions fail to recognize both the complex environment within which these courts operate and the multiplicity of problems with which they are plagued. Because of the complexity and diversity of misdemeanor courts, the project employed a multi-faceted methodological approach to the identification of misdemeanor court management problems and innovations. Complementary research techniques were successively utilized during an early phase of the project. These included:

- an extensive literature review of published and unpublished secondary source materials (see bibliography, Appendix I-A);
- a survey of state laws defining misdemeanor court jurisdiction (see state-by-state analysis, Appendix I-B);
- telephone interviews with judicial and non-judicial staff (thirty-three representative courts; see Appendix I-C);
- mail questionnaire surveys (1,336 misdemeanor court judges);
- field interviews and observations (twelve courts to identify management problems; eight courts to review innovative management approaches. See Appendixes I-C and I-D); and,
- two workshops involving misdemeanor court judges and non-judicial personnel (see Appendix I-E);

This approach facilitated a reasonably accurate identification and analysis of problems common to a broad cross section of misdemeanor courts, along with a preliminary analysis of attempts to remedy certain of these problems



in specific courts. The project's next phases were directed to demonstrations and research evaluations of innovations which held promise for improving the management and function of misdemeanor courts. \*

#### A. Prioritization of Misdemeanor Court Problems

The problems identified did not lend themselves to presentation in prioritized, laundry-list fashion. Many problems seemed to be indigenous to particular types of locales, while other problems plagued all misdemeanor courts indiscriminately. Some problems could be addressed directly by court management innovations, while others could, at best, be affected indirectly only by such innovations. Finally, many of the problems were interrelated to such a degree that it would be meaningless to attempt to address certain problems in isolation from other deficiencies and problems.

For these reasons, we grouped and prioritized misdemeanor court problems in three "sets". The sets are presented in prioritized order, determined by:

- the generality of the problem;
- the extent to which it impedes the attainment of the goal of misdemeanor courts: individualized justice in individual cases; and,
- the degree to which the courts are able to effect a solution.

1. Problem Set One. The first set of problems can be found in all misdemeanor courts. For this reason, and because rapid case processing is symptomatic of these problems, they have been given first priority. This grouping includes:

- insufficient resources to allow the court to accomplish its goal of individualized justice in individual cases;

\*Readers are referred to the following articles that developed from the project: Karen M. Khab and Brent Lindberg, "Misdemeanor Justice: Is Due Process the Problem?", James J. Alfini and Rachel N. Doan, "A New Perspective on Misdemeanor Justice," and H. Ted Rubin, "New Directions in Misdemeanor Probation," all published in 60 Judicature (April 1977).

- underutilization of available resources that results in the withholding of general court services, such as probation and diversion programs;
- misdemeanor court isolation from the local community, the local criminal justice community, and other courts within a local or state court system; and,
- judicial and societal undervaluation of misdemeanor cases.

2. Problem Set Two. Although these problems exist in both urban and rural courts, they are most prevalent in smaller city and rural area courts. This set of problems should be given high priority, because more than 80 percent of the nation's limited jurisdiction courts operate with a single judge. Furthermore, the deficiencies inherent in this problem grouping directly affect a court's ability to manage its resources effectively. Thus, the general failure of misdemeanor courts to develop the means to identify and critically analyze their problems is symptomatic of this problem set, which includes the following deficiencies:

- lack of case processing standards;
- failure to monitor case progress and to maintain case and caseflow information statistics;
- inability to adequately resolve scheduling conflicts; and,
- inability to deal adequately with continuance requests.

3. Problem Set Three. The third set of problems is encountered most often in courts in the larger cities. It is given third priority not because these problems are less critical to the quality of misdemeanor justice than the first two problem sets, but because this project could offer, at best, only a partial solution to these problems. The root cause of these problems is heavy caseload volume. In most of these courts, additional resources and management techniques are needed. Nevertheless, short of acquiring additional resources (e.g., more judges, administrative staff), management innovations

could only temper the following problems:

- indecorous and somewhat chaotic misdemeanor courtroom environments;
- heavy case "fall-out" on the day of trial, resulting in the inefficient use of judicial time, underutilization of jurors, and inconvenience to police officer and civilian witnesses; and,
- lack of sustained judicial attention to individual misdemeanor cases.

Our field observations in misdemeanor courts corroborated that rural and small city misdemeanor courts tended to dispose of the bulk of their cases at initial court appearance, while urban courts disposed of the bulk of their cases through plea negotiations that occurred after the initial court appearance. Our field observations also indicated that the lack of attention that many urban courts gave to the pretrial negotiation process resulted in significant management problems.

#### B. Determination of Demonstration Resource Projects to Address Misdemeanor Court Problem Priorities

During the course of the study, misdemeanor court management problems and management innovations to address certain of these problems were reviewed with a project advisory committee. Five innovations were considered as possible ways for dealing with the problem sets previously described:

- a court community advisory board;
- a probation agency function as resource brokers;
- a caseload management system;
- pre-court case screening; and,
- pretrial conferences.

Three substantive areas were prioritized for further research:

- a community resource program combining the community advisory board with the resource broker concept and with additional approaches to relating the court to the community;

- a caseload management system; and,
- pretrial conferences.

In addition, a consensus was reached that the community resource and pretrial conference programs were concepts most applicable to urban and medium-size city misdemeanor courts. The caseload management system was deemed most appropriate to small city and rural misdemeanor courts. It was agreed, however, that pretrial settlement conferences could not be adequately tested in the context of a pilot project, but should be researched in jurisdictions presently using such conferences. The other topic, pre-court/pretrial screening, was seen as too ambitious and costly an undertaking to pursue further. Also, this concept was being studied extensively by other organizations. Working drafts of innovative management techniques and research approaches in the three substantive areas were then prepared by project staff for review and refinement by specially-convened workshop task forces.

Two workshops were administered: The first workshop brought together misdemeanor court officials from large and medium-size cities, while the second workshop consisted of participants from small city and rural area misdemeanor courts. The community resource program, being the most ambitious of the three areas, was discussed at both workshops. The pretrial settlement conference was discussed at the first workshop and the caseload management system was considered at the second (see Appendix I-E for a listing of workshop participants).

Workshop formats were designed to obtain the maximum amount of input from all participants. Separate task forces reviewed the particular innovations, evaluating and modifying the models. Members articulated the concomitant issues and court concerns which a misdemeanor court should address in order to successfully implement the innovations.



At subsequent project advisory committee meetings, final revisions were made in the program schemes and research designs, and site selections were approved. Institute for Court Management staff members were designated as responsible for program implementation; American Judicature Society staff members were designated as responsible for program research. The programs and research initiated, then, addressed the various problem sets:

- The Community Resource Program (CRP), described in Chapter III and Chapter IV, addressed Problem Set One. These chapters follow the Case Management and Information System (CMIS) chapter to comport with the sequence followed in the companion volume of this report, and because it is believed that expanded and more effective probation service delivery available to misdemeanor courts at the sentencing stage (and at presentence diversion stages as well), could expedite case movement.

- The Caseflow Management and Information System (CMIS), described in Chapter II, addressed Problem Set Two.

- A study of pretrial settlement conferences conducted in jurisdictions where this approach had already been institutionalized is described in the other volume of this report, Misdemeanor Courts: Policy Concerns and Research Perspectives.<sup>\*</sup>

<sup>\*</sup>Another report on this research can be found in John Paul Ryan and James J. Alfani, "Trial Judges' Participation in Plea Bargaining: An Empirical Perspective," 13 Law and Society Review: 479.

## CHAPTER II

### CASE MANAGEMENT AND INFORMATION SYSTEM (CMIS)

#### A. Program Objectives

The Case Management and Information System (CMIS), implemented first by project staff in Salem and Ayer, Massachusetts, and later in Mankato, Minnesota, and Corpus Christi, Texas, is a program designed to assist small, one to three judge misdemeanor courts which experience fewer than 25,000 misdemeanor case filings annually. These courts comprise well over 80 percent of the nation's misdemeanor courts (U.S. Department of Justice, 1973). The CMIS provides a simple yet comprehensive approach for introducing management principles to the administrative operations of misdemeanor courts.

The CMIS program has three principal objectives:

- develop management policies, including case progress and disposition time standards;
- integrate and coordinate scheduling and calendaring practices that facilitate adherence to these policies; and,
- provide basic case information through the use of a simple manual recordkeeping system that enables court personnel to monitor case progress and evaluate the effectiveness of their management policies.

The case information aspect of the CMIS program is based on a simple, manual recordkeeping system for case-progress monitoring and statistics that permits the court to track the progress of each individual case, identify sources of delay (whether caused by the parties, the court's own processes, or the actions of other criminal justice agencies), and test the effectiveness of policy and procedural changes in the caseflow system. It can also improve the overall recordkeeping system of the court since it carries the potential for organizing, in one record, a significant amount of case management data.

In the future, it is likely that the nominal cost of computer hardware and technological assistance will enable many misdemeanor courts to use these technological advances. However, courts often computerize their operations before acquiring a good manual control system. Hence, the computer is used primarily for information storage. It is rare to encounter a court which uses its computer to manage and schedule cases (Institute for Law and Social Research, 1977). The adoption of CMIS prior to computerization will establish a basic management system for the misdemeanor court. Thus, the court will be in a better position to design a computerized scheduling system. This could be an important long-term benefit to be derived from the CMIS.

Introducing a simple, manually-maintained card system tests the general hypothesis that technology is not the crux of court control and case progress monitoring in smaller courts. It was anticipated that the opportunity to test monitoring techniques in a receptive environment would produce a simple system adaptable to most misdemeanor courts in this country.

#### B. The Management Problems of State Misdemeanor Courts

1. Introduction. These courts, for the most part, do not operate under a comprehensive management plan. Although urban courts tend to be better managed than their rural counterparts, a reactive mode of operation is prevalent in both types of locales. Operational practices designed to remedy an immediate problem evolve into standard operating procedures. The efforts of court personnel are apt to be uncoordinated, and sometimes duplicative.

This lack of coordination persists because misdemeanor court judges, like their general jurisdiction counterparts, are reluctant to assume case progress management responsibility. This judicial disinterest in management generally inhibits court administrative personnel from initiating more effective operating procedures. Even though administrative personnel may see the need for

adopting more efficient practices, they generally are unwilling to do so in the absence of specific directives from the judge. These directives are seldom forthcoming because the nature of the judge's work causes him to focus on the individual case rather than the aggregate caseload. The judge often does not realize the condition of the court's caseload as a whole since he does not have timely and useful management information at his disposal.

Thus, the lack of useful case management information is a root cause of the management problems in many misdemeanor courts. It precludes the judges and administrative personnel from identifying and critically analyzing potential caseflow problems. The development of this capability is essential if state misdemeanor courts are to improve their management practices.

Because current practices generally receive high levels of judicial support, reforms cannot realistically be expected without first altering this attitudinal perspective. Even if more resources were available, it can be argued that current procedures would not be changed, but the new resources would be directed toward reinforcing existing levels of performance. Therefore, an important first step in the direction of changing these attitudes is the development of a management and information system that would encourage the court to set performance standards and would provide the court with the necessary information to measure its performance against these standards.

2. Specific management problems. Before developing such a system, however, we must have a clear understanding of the specific management problems that such a system is intended to address. Designing solutions to these problems is a complex process because sources of these problems reflect both attitudinal and technical deficiencies within the court. Thus, we shall discuss these management problems and indicate the manner in which elements of the case management and information system relate to these problems.

a. Lack of calendar control. The unwillingness or inability of the court



to exercise control over case progress is the overarching source of management problems in misdemeanor courts. The lack of court control over the calendar generally slows the progress of cases through the system, prevents efficient allocation of judicial time, and exacerbates the problem of understaffed administrative offices with inefficient management procedures. Without judicial interest in calendar control, a continuance policy is absent or unenforceable, calendaring practices are geared to goals other than case processing and individual justice objectives, caseload and caseflow statistics are not collected, and case processing time standards for monitoring case progress are not formulated.

The case management and information system would provide the court with the necessary tools to exercise its control over the caseflow process. Even if the court is not convinced that it needs to exercise calendar control, the system would allow the court to determine if management problems do exist and thus encourage the court to seek alternative solutions for these problems.

b. High incidence of lost cases. High incidence of "lost cases" is also a major management problem. This phenomenon can occur in two ways. First, the case may become physically and permanently lost, due to poor recordkeeping systems and unlimited access to the court's files, making it necessary to recreate the case file and history. Second, cases may be viewed as "lost" if they have been off the calendar for an excessive length of time. This happens when a court has no system of monitoring case progress and its calendaring practices do not require a next court appearance to be assigned at the conclusion of each hearing. Very few courts file the docket or case papers in a manner that would help to ensure that cases appear on the daily calendar on a regular basis until disposition is reached. Also, the court's recordkeeping system generally does not alert the court to lagging cases. The alphabetical and numerical indexing systems usually used in these courts do not indicate the age of a case.

Both types of lost cases are minimized using the CMIS. To maintain the integrity of the system, court personnel would have to follow a policy of limited access to case files by individuals other than court administrative staff. The incidence of off-the-calendar lost cases would also be minimized through the use of improved calendaring procedures and a chronological filing system. To prevent cases from escaping court attention, the court is required to set "next action dates" and the case control card is filed according to that date.

c. Delay in individual cases. Although excessive delay may not be reflected in the overall case statistics in misdemeanor courts, lengthy delays are encountered in "non-routine" or "problem" cases in many courts. Again, the absence of case monitoring techniques is partially responsible for this phenomenon. Some cases are delayed unnecessarily because of their "off-calendar" status. The monitoring function of the CMIS will minimize this source of delay.

Other cases are delayed knowingly, showing four to five continuances before being terminated. More serious cases or cases in which there is a jury demand are apt to be delayed in this manner. The major source of this delay is the absence of a clearly-defined continuance policy and case processing time standards. Few statistics are collected to demonstrate the need for a continuance policy or the desirability of distinguishing different types of cases for purposes of case processing. An explicit continuance policy is advocated under the CMIS to encourage the courts to minimize unnecessary delay.

The data support component of the CMIS produces summary management information that allows the court to make distinctions among cases to determine those cases that are prone to delay. With that information, the court can decide if it wants to monitor these cases more closely.

d. High case fallout on trial day. High case fallout, particularly on

the day of trial, is another prominent problem. More prevalent in urban courts, its incidence in rural courts is also significant. In effect, too many events drop from the calendar at the last minute because cases are pled, settled, dismissed, or continued. Some fallout is expected and courts regularly apply a "setting factor",<sup>\*</sup> oversetting cases in an attempt to ensure a full workload for the court on that day. Furthermore, oversetting is done intuitively with only exceptional courts using actual caseflow data on which they base calendaring decisions.

Many of these cases fall out because of the high incidence of plea bargaining on the day of trial. A partial solution of this problem is the initiation of early case screening procedures and improved guilty plea practices. However, the most effective case screening procedures will not completely eliminate case fallout on the day of trial. Even in the most efficiently run courts, some amount of oversetting will be necessary.

More accurate predictions of the case fallout are possible with case feedback provided under the CMIS. The CMIS includes a manual data support component that collects information on the court's caseload and case dispositional processes.

#### C. Components of the Model System

Although the specific requirements within each component will vary among jurisdictions, the CMIS model described here is adaptable for use by most small city and rural misdemeanor courts. Elements of the CMIS considered essential<sup>\*\*</sup> to its operation are specifically noted in the ensuing discussion.

<sup>\*</sup>A setting factor has been defined as the ratio of cases set for court appearance to those cases which are actually disposed of (see Institute for Law and Social Research, 1977, p. 28).

<sup>\*\*</sup>This model system was designed during the project's Task Force Workshop on caseflow monitoring systems.

1. Information support component. While the recordkeeping functions of the CMIS require relatively few changes in a court's existing mode of operations, it is essential that a case control card be utilized to monitor cases.\* Because the case control card can be created and maintained at the time a case is docketed, it is relatively easy to incorporate. In many locales it will be possible to redesign an existing court record (e.g., index card and docket card) to satisfy this requirement. In courts where this is not possible a separate case control card can be utilized by the court. Figure One is a sample punch-out case control card that can also serve as the court's alphabetical index card.

The card allows easy identification of old cases. Case progress can be monitored and information about case age may facilitate court development of case progress time standards. Further, this feature helps prevent undue delay in individual cases and helps foreclose the possibility that cases may become lost in the system. Information is included on the card to allow rapid tabulation of a wide variety of statistical information on open or closed cases. It is expected that regular tabulation of statistics can lead to policy formulation to correct any problems identified by the statistics.

If the card is used as an alphabetical or numerical file it will be necessary<sup>\*\*</sup> to file the case file chronologically according to the next-action date. In other courts, it may be preferable to file the case control cards chronologically to minimize changes in the filing systems.

#### 2. Management component.

a. Calendaring techniques. Specific calendaring techniques must be employed by the court to facilitate its control of case progress. The court, not

\*All case progress control cards designed during both phases of the project used a 5" X 8" McBee Keysort Card (#K5S 581 B-553) which is available from McBee Systems, 1140 Delaware St., Denver, Colorado 80204.

<sup>\*\*</sup>The CMIS requires that all cases always have a future action date scheduled.

FIGURE ONE

Sample Case Progress Control Card  
(Used in Ayer, Massachusetts Test)

<b>COMPLAINTS:</b> Oper. under influence Oper. so as to endanger Using w/o authority Larceny of motor vehicle Other motor vehicle Nonsupport Robbery Assault/Assault-DW/Assault-B Breaking and Entering Larceny Receiving stolen goods Fraud Narcotics offenses Disorderly Conduct All other Motor vehicle trial waiver Appeal to jury session: District Court Superior Court		J F M A M J J A S O N D N.M.V.	
		DEFENDANT NAME: _____ LARCENY BY CHECK _____ ENTRY DATE: 12-27-77 Docket No. 77-12740 D.O.B. _____	
<b>DISPOSITIONS:</b> Disposed w/o Appearance Disposed at Arraignment Disposed bet. Arraign./Trial Disposed at Trial — G. Plea Disposed at Trial — Tr. Held Disposed at Trial — Other Closed after Cont'd. w/o F. Default warrant issued		AGENCY: CIVILIAN - AYER CLERK'S HEARING <input type="checkbox"/>	
<b>CONTINUANCES:</b> No continuance One (1) continuance Two (2) continuances Three (3) continuances More than 3 continuances		<b>NEXT ACTION DATES</b> Arraignment: 2-1-78 Cont'd.: _____ App. Counsel: _____ Cont'd.: _____ Trial Set'g.: _____ Cont'd.: _____ Trial Date: _____ Cont'd.: _____ Sentencing: _____ Cont'd. w/o F.: _____	

prosecutor or defense counsel, must schedule all action dates. Cases must be set to a date and purpose certain at the conclusion of each court proceeding so that a chronological case file or case control card can be maintained (Zimmerman, 1976).

At the conclusion of each court appearance the case control card must be pulled from the file and updated--a simple procedure many courts already follow in updating their docket records and case files. In systems where cases are filed chronologically, the next action date on the cards serves as a case locator and as a summary reference of the individual case's progress.

b. Enabling policies. The calendaring techniques discussed above facilitate policy commitment by the court to active control of case progress. The utility of data collected by the court's information system also depends on the general caseflow management policies promulgated by the court. The most effective use of the CMIS requires policy commitment toward court control of continuances and a definition of time standards for case processing. These standards act as the guideline against which the court can measure its own performance.

#### D. Research Approach

1. Research Objectives. In an ideal pilot test period, the research objectives of CMIS implementation would have addressed all components of the innovation. An effort would have been made to involve judicial personnel in the formulation of new management policies and time standards for case processing; judicial and administrative personnel would have been encouraged to develop calendaring techniques in accordance with these policies; clerical and administrative personnel would have been assisted by project staff in developing a data support component that supplied relevant case management information.

The project's time constraints, however, prohibited the ideal test. It was not reasonable to expect a court system to drastically alter policies, procedures, and recordkeeping systems and be operational in a few months. Con-



sequently, our efforts were concentrated on implementation and documentation of the feasibility of the data support component of CMIS. Toward this end, evaluation and analysis were made on the basis of two research objectives:

- determination of the degree to which new management information is made available to the court and the utility of the information; and,
- identification of structural and court management variables that affect the feasibility of introducing the case control card into a court's recordkeeping system.

Implementation feasibility, which refers primarily to the ease with which a court introduces the case control card into its present paperflow system, was evaluated on the basis of:

- immediate changes necessary within each court to facilitate the card's introduction;
- the burden on the court and its operating procedures in instituting these changes; and,
- the extent to which alterations in the card and maintenance procedures of the card are needed to accommodate the court's preferred mode of operation.

The innovation's success in supplying statistical and management information to the court was evaluated at the conclusion of the pilot test. The monitoring program's case control card for each court was designed to facilitate collection of these data. The degree to which the card was a useful mechanism for compilation of such information would reflect the relative success of the pilot implementation. Thus, the program's ability to supply case disposition information and continuance information was evaluated. None of these data, except gross figures on filings and dispositions, were available in the pilot sites at pre-implementation.

Another evaluation criterion was the system's ability to identify lagging cases. To encourage case progress monitoring and caseflow control the card must provide an efficient mechanism for identifying off-calendar cases that otherwise might exceed the court's time standard for case processing. The cards were tested for this purpose.

## 2. Research Design.

a. Site selection. Primary selection criteria included: a court's willingness to commit resources to maintaining the CMIS; the test sites should not be involved in automated court recordkeeping systems; the test courts should be small, with less than 25,000 misdemeanor cases filed annually; the test courts should maintain a chronological case filing system; the test courts should have some flexibility with their recordkeeping system so that it might be feasible to combine the card with another record.

Agreement to serve as a test site did not require commitment by a court to maintenance of the CMIS past the end of the test period. The desirability of specific post-implementation calendar management changes would be determined independently by the court at the conclusion of the pilot test. Two Massachusetts district courts were selected to serve as test sites during the project's first implementation phase, and courts in Mankato, Minnesota and Corpus Christi, Texas were utilized in the succeeding phase.

The design of the information system, the case control card, and its maintenance procedures were determined by the courts' operation and recordkeeping systems. Card modifications were made so that the data support component fulfilled the particular needs of these courts.

E. CMIS Implementation in the First District Courts of Essex County, Salem, Massachusetts and Northern Middlesex County, Ayer, Massachusetts

### 1. Site descriptions.

a. Jurisdiction and Caseload. The district courts are the commonwealth's principal courts of limited jurisdiction. The 72 district courts have unlimited original jurisdiction in contract, tort, replevin, and summary actions concurrent with the superior court. Civil jurisdiction includes exclusive jurisdiction of commitment hearings and of juvenile matters, if there is no separate juvenile court (American Judicature Society, 1974). The district court also hears support cases, municipal code violations, and has small claims jurisdiction up to \$400.

The district court has original jurisdiction, concurrent with the superior court, for municipal ordinance violations, all misdemeanors except libel, felonies punishable by imprisonment for less than five years, and probable cause hearings, regardless of final jurisdiction. Since district court judges cannot commit offenders to the state penal institution, in practice, the maximum sentence is two and a half years--the maximum sentence for offenders sent to county correctional institutions. Original criminal cases are tried without a jury in all district courts, but the defendant can appeal for a trial de novo in superior court or choose to be tried before a "jury of six" in certain district courts. The Ayer court does not hear "jury of six" appeals. In Salem, these appeals are heard at periodic sessions, but do not constitute the major portion of the caseload.

The district courts' caseloads as of June 30, 1976 are shown in Table One.

\*In January, 1979, Massachusetts effectuated court reorganization. The district courts became the District Court Department of the (unified) Trial Court of Massachusetts. Five other types of trial courts also became departments of the Trial Court.

TABLE ONE  
Annual Caseload

	<u>Salem</u>	<u>Ayer</u>
Total civil complaints filed	2,000	400
Small claims entered	2,300	1,200
Criminal complaints (excluding minor traffic and parking)	3,100	2,900
Minor criminal motor vehicle complaints (exclude parking)	11,000	9,400
Parking (tickets and complaints)	21,400	0

Source: Administrative Office of the District Court, Statistics for the District Courts of Massachusetts for the Year Ending June 30, 1976 as Reported by Clerks of Said Courts.

b. Administration and judicial manpower. The Massachusetts court administrative structure, at the time of this demonstration, was organized "horizontally" with a chief justice of the district courts having statewide administrative authority. The Massachusetts Supreme Judicial Court exercised general superintendence of the administration of all courts in the commonwealth. The chief justice of the district courts was authorized to assign district court judges to sit in district courts other than the ones to which they were originally appointed, and did so frequently.

Two judges sit in the Salem District Court part time. One judge sits nearly full time and a visiting judge is assigned for at least three days each week. The chief justice of the district court also sits in this locale one day a week, usually Friday. When the visiting part-time judge is assigned

\*All district court judges are appointed by the governor with approval of the Executive Council, and serve until age 70. No qualifications for these judicial positions are prescribed by law. The full-time district court judges are assisted by salaried part-time "special justices" who serve as needed. Courts of Limited Jurisdiction, (Knab, 1977).

by the District Court Administration Office to sit elsewhere, another judge must be assigned to take his place.

One full-time judge sits in the Ayer Court, with a visiting judge assigned one day per week to hear small claims and civil cases. The full-time judge is assigned one Friday each month to another district court, at which time the judge from the latter court is assigned to the Ayer court.

Support personnel in each district court, consists of a clerk of court appointed for life by the governor, a chief probation officer appointed by the district court presiding justice, and support staffs. The Office of Clerk of Court issues criminal complaints in addition to performing administrative functions that facilitate court operations (American Judicature Society, 1974). Nevertheless, the administrative accountability of these offices to their respective judges is limited since the clerk is appointed by the governor for life.

Nine clerical persons in Salem, and eight in Ayer, including the office supervisors, are responsible for the daily processing of paperwork. Responsibilities are functionally allocated, with one person compiling the court's daily calendar, another docketing all motor vehicle offenses, another processing small claims, and so on. Introduction of the case management and information system primarily affected three clerical persons in Salem and four in Ayer. They are responsible for various aspects of the motor vehicle and non-motor vehicle criminal caseload.

c. Case management in pilot site courts. Both courts used the case file as the primary informational document. Accordingly, the case files were handled by a variety of individuals both within and out of the court. This resulted in a number of lost or misplaced files. As a consequence, inaccurate daily calendars were constructed since the courts relied on their chronological case filing system to assemble the docket. The case control card if substituted for the file as the primary informational record, could alleviate this problem.

No specific criteria for setting cases on the calendar had been promulgated in the courts. Daily limits as to the number of cases set were not specified. Based on past experience, clerical personnel estimated the number of cases that would be disposed by payment of fine when they set first appearance dates. They possessed no calendaring data on which to make these scheduling decisions.

Neither court had a clearly defined continuance policy. The clerks often exercised their authority to grant continuances when requested by both parties on a case. The parties were responsible for notifying any witnesses of new court dates since the court did not take an active part in the notification process. In Ayer, and to a lesser degree in Salem, the judges did not distinguish between a well-ordered process, where each step served a specific purpose, and an ad hoc scheduling system concerned with disposing cases in the quickest manner possible. One judge, hoping for non-trial dispositions, found it preferable to continue a case to another arraignment session, keeping the case on a Wednesday "track", his busiest court day. Continuance information might indicate such a practice is ineffective in disposing of particular cases.

2. Implementation of the information data support system. The case control card was the only new form added to the court's docketing and calendaring system. Since case files were arranged chronologically by next-action date, the card was designed so that it also served as the court's alphabetical defendant index.

The informational needs varied between the courts, hence, the design of the card for the Salem district court was slightly different from that of the Ayer court. Personnel in the Salem district court were interested in the number of filings made by each agency within the district. The card, therefore, listed agencies and charges to enable such identification. Aside from that, the two cards were the same.

A control card for each charge was created by the court as a case was filed. Entry information included: the defendant's name; date of birth; filing date



and docket number; a hole punch to indicate the month of filing; a punch to indicate the charge; and entry of the first scheduled appearance date. Court personnel were asked to pull the case control card at the conclusion of each court appearance and enter next-action date information. When a case was disposed, personnel entered the disposition or continuance information by making the appropriate punch (refer to Figure One for card sample). Project staff provided personnel with training on the use of the control card. No additional clerical staff needed to be employed for CMIS implementation.

The case control card test was to span three months. Neither court was asked to make a commitment beyond the pilot test period to maintain the CMIS information system.

3. Analysis of the feasibility testing of the CMIS information component.

This discussion of the feasibility test first summarizes the total range of information available from the two test designs of the case control card. Second, the actual information collected from the test sites is discussed in the context of its uses in a misdemeanor court. Finally, the time and resource requirements to maintain the case control file and compile its information are presented.

a. Information available from the case control card. The design of the case control card used during the test period allowed collection of the following statistical and management information:

- number of filings per month, by case types;
- number of dispositions per month, by case type;
- number of pending cases, by case type;
- various ages of pending cases, by case type;
- number of dispositions without a court appearance, by case type;
- number of dispositions at arraignment by case type;
- number of dispositions at various dispositional points after the arraignment, by case type;

- number of continuances per case, by case type; and,
- age of case at disposition.

Any of these data could be cross tabulated if the court so desired. For example, a court might be interested in knowing the number of continuances already granted to cases in its pending file. Tabulation of these data is a simple procedure using the cards.

b. Data generated from the test sites and their utility. The project team designed several simple reports of the type that a court might wish to generate regularly. The CMIS control cards were used to tabulate this information during the next to last site visit. The information shown on these reports (see Tables Two and Three) represents a relatively small proportion of the total data available from the card. Such data can be used from time to time for special case management reviews or reports as desired by the court.

The data compiled in the sample reports were developed by the Ayer district court during the three-month testing period. Similar data were compiled for Salem. Table Two provides caseload, disposition, and continuance information for Ayer's November 1977 filings. November was the first test month for which complete data were available. The case control cards were an effective method for tabulating this information.

At the time a case is filed, a notch is punched from the top of the card corresponding to the month of filing. Thus, to collect the data in Table Two project staff pulled all cards showing a November 1977 data punch at the top of the card. These cards constituted all the motor vehicle and non-motor vehicle cases filed that month (see Table Two). Further sorts were made on the November filings to tabulate the number of filings within the offense categories.

\*The Salem card design also allowed a further breakdown of the filing information into filings by agency.

TABLE TWO

Data Generated from the CMIS Information Component

First District Court of Northern Middlesex (Ayer)

For Cases Filed In November 1977

	<u>Offense Type</u>		
	<u>Motor Vehicle</u>	<u>Non-motor Vehicle</u>	<u>Total</u>
<u>A. Caseload information</u>			
1. Cases filed	878	64	942
2. November filings disposed by 2-1-78	535	27	562
3. November filings still pending as of 2-1-78	343	37	370
<u>B. Disposition information</u>			
1. Disposed without court ap- pearance	374	-	374
2. Disposed at arraignment	45	16	61
3. Disposed between arraign- ment and trial	2	1	3
4. Disposed at trial:			
a. By guilty plea	6	1	7
b. By trial	9	4	13
c. Other	-	-	-
5. Default warrant issued	73	-	73
6. Closed after continued without finding	19	5	24
7. Failed to locate	7	-	7
Total dispositions	535	27	562
<u>C. Continuance information</u>			
1. Unknown	89	-	89
2. Cases with no continuance	433	16	449
3. Cases with one continuance	8	6	14
4. Cases with 2-3 continuances	5	2	7
5. Cases with more than 3 continuances	-	-	-

TABLE THREE

Pending Caseload Statistics Generated from the CMIS Information Component  
 First District Court of Northern Middlesex County (Ayer)  
 Case Filings: Status as of February 1, 1978

<u>I. Intake</u>					
<u>Category</u>	<u>Pending End of October 1977</u>	<u>Filed During November 1977</u>	<u>Terminated as of 2-1-78</u>	<u>October and November Filings Pending as of 2-1-78</u>	<u>Net Increase or Decrease</u>
Non-motor vehicle	6	64	27 (42%)	43	+37
Motor vehicle	180	878	535 (61%)	523	+343
Total	<u>186</u>	<u>942</u>	<u>562 (60%)</u>	<u>566</u>	<u>+380</u>

II. Age of pending caseload

<u>Category</u>	<u>Less Than One Month</u>	<u>Between One and Two Months</u>	<u>Between Two and Three Months</u>	<u>Between Three and Four Months</u>
Non-motor vehicle	-	-	37	6
Motor vehicle	-	-	343	180

Backlog  
Cases



At the time a case is disposed, a notch is punched from the bottom of the card corresponding to the type of disposition reached. Cards which showed a disposition were then separated from those cards that were still open. The open cards were returned to the active card file. Additional sorting was performed on the disposition cards to determine the number of dispositions at various stages in the case process. Also, sorts were made on the disposition card to tabulate the continuance information.

Summary information such as this on dispositions and continuances should prove useful to a court concerned with its disposition modes and continuance rates. These data enable the court to adjust or modify its scheduling practices in accordance with its needs. This information, also, permits the court to estimate projections of future caseloads on the basis of past caseload trends.

The CMIS information component generated data that should be an integral part of a court's efforts to remedy the management problems identified earlier. For example, judges in the participating courts indicated that sixty days from filing to disposition was a desirable time frame for misdemeanor cases. But, data from the CMIS control cards revealed that 40 percent of all cases filed in November, and 60 percent of the non-motor vehicle cases, remained open as of February 2, rendering them older than the desirable sixty day limit (see Table Three).

c. Monitoring function performed by the case control card. The availability of this information would encourage a court to take steps to bring all dispositions within the sixty day standard. Knowing that a significant percentage of its caseload exceeds the time standard, a court first would want to identify individually these cases in its pending file. The case control cards proved very useful in this regard. The notch punched from the top of the card corresponding to the month of filing allows court personnel to visually identify all open cases whose age exceeds the court's time standard. Subsequent inspection of the docket

book or case papers for each such case is then possible to attempt to ascertain the reasons for delay and to determine whether immediate court action could dispose of the case.

The CMIS cards were tested for this purpose. On February 1, 1978, project personnel, using the cards maintained by the Ayer District Court, pulled from the active card file the thirty-seven cases having a November 1977 date punch at the top of the card, cases that would have been between sixty-three and ninety-two days old. The docket entries for each of these cases were then reviewed to determine the current status of the case, the last action in the case, and the reason (if one could be determined) why the age of the cases exceeded the sixty day standard advocated by the judge and clerk of the court.

Inspection of the docket books revealed the current status of the cases to be as follows:

Cases disposed of (cards for these cases should have been posted and removed from the active file)	7
Non-support cases--continued to a future date certain for review	8
Cases continued without a finding (case will be dismissed on future date unless a new offense is committed by defendant)	11
Case open--last action was a continuance to a date certain in February, March, April, or May	11
Total	37

The final category, "Case Open", would be of interest to a court for analysis and possible action. It is assumed that a court would want to examine these eleven cases to ascertain 1) whether these cases could have been disposed of more expeditiously, and 2) whether the experience in these cases is instructive for expediting future cases. For example, as noted from the docket entries, these cases had had the scheduled hearing continued an average of 3.36 times. Acquisition of this information might cause a court to examine its continuance policy to see whether modification could bring disposition in all cases within the sixty

day goal.

d. Other uses. Certain features of the CMIS control card lend themselves to other functions. Because the test court filed case records chronologically by the next assigned date, it was possible to file the CMIS control cards alphabetically by defendant name. Accordingly the control card can serve as an alphabetical defendant index, in effect combining two court records. The Salem district court intended to continue use of the card on that basis. Further, the entry of the next assigned action date on the card allows immediate location of the case file. Formerly, it was necessary to obtain the case number from the alphabetical index and go to the numerically-maintained docket books to obtain the date under which the case papers were filed.

One clerk felt the control card could be redesigned as a docket management system. With such a system the card could be used as the numerically-maintained docket record. Such a system would allow the court to perform all of the CMIS functions at less cost. Staff time would be minimized since most docket records routinely include next action date information.

Court staff articulated other functions performed by the case control card. It summarized continuance and disposition information and allowed quick access to these data on a case-by-case basis by obviating the need for an elaborate docket search. Also, it provided a more effective method than presently employed for collection of the statistical information required by the state court administrative office. Finally, use of the control card as an informational document minimized the use of the case file for that purpose. This decreased the potential of lost case files.

e. Time and resource requirements. In Ayer, court personnel reported that about three more hours per day were devoted to creating, updating, and closing out CMIS control cards. In Salem, approximately two additional hours were required. Recording dispositions was judged the most time consuming because it was at this point that the total number of continuances in the case was computed

and punched into the card. However, this required time could be expected to decrease as court personnel became more familiar with the system. Also contributing to the additional time requirements was the fact that many defendants are charged initially with three or four offenses, and a control card is created for each. Entries are required on all cards.

The other function served by the case control card, identification and review of old cases, required nominal staff time. In project staff's test of the cards for this purpose, thirty-seven cases were identified and reviewed in less than an hour. Pilot site personnel believed this to be a major advantage of the system.

Evaluation of the resources required to maintain and use the cards in the test sites is difficult. Ordinarily such an evaluation is a relative matter. Are the resources required justified by the information provided? To what extent do the resources required exceed the resources required to maintain similar information under the former system? Both types of questions are difficult to answer in the test courts because:

- these courts did not maintain case management data prior to introduction of CMIS; and,
- the courts have not articulated case management goals toward whose attainment CMIS data would be directed.

Accordingly, there is no management context against which to judge court staff evaluation of the resources required to maintain CMIS.

Since no management information was maintained previously, it is not surprising that court staff viewed the time required as burdensome. Nevertheless, project staff concluded that, though some streamlining modifications should be considered, the overall time required was nominal when compared to the wealth of information the system makes available.

4. Implications concerning the management component. The choice of the

first two test sites provided ample opportunity for observation of the way in which the management characteristics of the court influence perception of the CMIS. As indicated earlier, the court's staffs generally offered the opinion that, while CMIS is a workable system and may hold potential for consolidating certain court records, the system itself would not be particularly useful in their courts. The reasoning behind this opinion bears examination since it should be instructive for future implementation of CMIS elsewhere. Why were no immediate benefits perceived by court staff? Project staff concluded that the answer lay in the absence of a case management orientation on the part of the judiciary. This lack of perceived need for case progress monitoring or case management statistics clearly influenced the attitudes and initiative of the clerks of court and their deputies. For example, the cards' capability to present disposition information and monitor case age had little relevance to administrative personnel because case disposition time standards did not exist in the district court system. Continuation information also was not useful for the same reason. One clerk noted the absence of judicial demand for management information as his basic rationale for discontinuing the CMIS at the end of the test period (Gazell, 1973; Solomon, 1973; Berg, 1974; Hays, 1977).

Another example of how judicial disinterest inhibited the initiation of more effective operating procedures was evident from one clerk's reaction to the case control cards' potential as a docket record. He saw no inherent problem with using the card in this manner. In fact, for his court, combining the control card with the docket record would have been preferable to continuing it with the alphabetical defendant index. However, he considered such an undertaking was beyond his authority to initiate and must first receive support from the

\*Subsequently, a statewide district court caseflow committee began developing misdemeanor processing time standards.

judges and most probably state officials as well, since the docket is the court's official record.

In an effort to cultivate judicial interest, the judges were presented with a management analysis of the data during our last site visit. The analysis discussed the court's filings, pending caseload, disposition modes, and continuance information. This presentation seemed to have little impact on the judges' interests in case management. This result indicates that in future implementations effective judicial involvement should be cultivated and obtained early in the process.

Judicial disinterest in management is partially explained by the judges' isolation from their administrative staff support. Massachusetts' policy of statewide judicial assignment, premised in part on the belief that the administration of justice is better served by discouraging familiarity among judges, prosecutors, defense attorneys and police, may intensify this isolation. The policy impedes the necessary ongoing judicial interest in and responsibility for case management by requiring judges to sit in more than one locale. The clerk's life tenure appointment by the governor also may contribute to the judges' isolation from administrative operations. With such an appointment process, the judge may feel his authority to exercise administrative supervision over the clerk's office is diminished.

5. Recommendations for future implementation. The feasibility tests of the CMIS information component demonstrated that the case control card can be integrated into the courts' recordkeeping system. The cards provide useful statistical management information while acting as a simple case monitoring mechanism. The tests also showed the importance of a management component accompanying implementation of the information system.

\*Eight states, generally in the Northeast, utilize statewide assignment of judges.



This section on recommendations for future implementation discusses variables a court should examine and consider. These variables relate to necessary local conditions for effective long-term implementation, modifications of the information system and case control card design that may be desirable for some locales, and steps within the implementation process that should be emphasized:

a. Necessary conditions for effective CMIS implementation. The most important pre-condition is the presence of judicial and administrative policy level commitment to a management program. This management component sets the court's case processing priorities and standards against which it can evaluate its own performance. Without such a management focus, any information on the court's case-load and caseflow would have little relevance to the court's operations.

Beyond that, the court should have some flexibility with its recordkeeping system. When feasible, it is preferable to combine the case control card with another court record. This approach minimizes necessary alterations in the court's internal recordkeeping practices with CMIS introduction.

In general, resources required to implement CMIS are nominal. The only additional cost pertains to the procurement of case control cards which is extremely low.

b. Design of the information system. Necessarily, the overall design of the system will depend upon the management objectives and needs of the court. Based on our feasibility tests, however, it is important that a court implementing CMIS carefully review its in-place recordkeeping system. Its present system also will determine the feasibility of different aspects of the CMIS information component, as well as the design of the case control card.

A chronological filing system is essential for CMIS. To fulfill this requirement the case file or case control card could be filed according to the next court appearance date. Filing the case control card chronologically may preclude the card from being combined with other court documents. For example, a combina-

tion case control and alphabetical defendant index card would not allow chronological filing. This is also true for a combination case control and numerical docket card. However, if the case control card is filed chronologically, it becomes more feasible for the card design to be structured by defendant rather than by charge, a design which minimizes the staff time needed to maintain the card.

Filing the case file chronologically will alter the design of the card. With chronological case files it may not be as critical to the court for next action date information to be entered on the card. Deletion of this information from the card also would reduce necessary staff time to maintain the card. Furthermore, chronological case files encourage the combination of the case control card with the numerical docket or alphabetical defendant index.

The most creative use of this information system would be a combination alphabetical docket record, chronological case control card, and numerical case file; or a chronological docket, alphabetical defendant case control card, and numerical case file. Since most courts maintain their case files numerically, little is lost by changing filing of the docket, also generally filed numerically. In fact, a number of the courts visited during this project believed the only useful service provided by the docket was to officially record the history of the case. This important function of the docket record could be fulfilled whether or not the docket is arranged numerically.

c. Desirable modifications to the case control card. The general design of this card, perhaps, is most dependent upon the court's decisions regarding overall design of the information system as discussed above. Nevertheless, our experience in the pilot courts suggests certain modifications to the card may be desirable for most misdemeanor courts.

Management supervision may be unnecessary for the total misdemeanor case-load since a substantial majority of these cases are minor motor vehicle offenses disposed at or before the first court appearance date. The more serious offenses,

which may constitute 20 percent or less of a court's criminal caseload, often proceed beyond the first appearance date and should be subject to more stringent management supervision. Disposition, continuance, and next action date information is relevant only for these latter cases.

Although close management supervision may not be necessary for the entire caseload, this does not negate the importance of monitoring the age of all cases. Thus, the dichotomous nature of the misdemeanor caseload between more and less serious offenses suggests the need for a bifurcated management system. Cases not disposed at first appearance would be subject to more stringent monitoring and data collection techniques than those cases disposed at arraignment. For example, the case control card for the less serious offenses might involve simply the monthly punch without disposition, continuance, and next action date information. The simpler format would allow the court to monitor the ages of those cases while avoiding the collection of superfluous data. A significant advantage to this approach is a considerable reduction in staff time spent on maintaining the case control cards.

Changing the card's design so that one card is created per defendant is another modification that should be considered. Such an alteration is feasible with an alphabetical defendant index and case control card or with the chronological case control card. The major change in the card format would involve the disposition information since a defendant often is charged with numerous offenses. The design would need to accommodate more than one entry of disposition information.

d. Recommended implementation steps. Specific steps should be followed when implementing the data support component of the CMIS. The sequence of recommended steps discussed below is suggested on the basis of our experiences in the Phase I test courts and the card modifications offered above. Generally, these suggestions involve:

- extensive investigation and evaluation of the court's present recordkeeping practices, to include an investigation of a random sample of the caseload; and,
- additional on-site staff time devoted to initial phases of implementation (introduction and early monitoring), to include a formal training and education workshop.

The court's recordkeeping practices should be extensively investigated so that all formal and informal documents are evaluated. Thus, if it is not feasible to combine the case control card with the court's formal records (e.g., docket, alphabetical index) it may be possible to combine it with one or more informal records (e.g., records kept by individual deputy clerks for their specific needs). This analysis of recordkeeping practices should also result in the most efficient information system design for the court whereby some documents are eliminated.

As part of this analysis, various types of cases should be proportionately sampled from the entire caseload. Analysis of the disposition process of these cases should identify:

- the kinds of cases which proceed beyond the first appearance date; and,
- points of delay and case termination in the court's dispositional processes.

The first identification will determine which cases should receive close management supervision through the use of a more complex case control card. The second identification will determine the kinds of disposition and continuance information the court may wish to measure. For example, the sampling may reveal that many cases are disposed between arraignment and trial day. In this context the court might want to collect information on how these dispositions are reached--by guilty plea, at a pretrial hearing, or by some quasi-institutionalized settlement procedure.

Additional on-site assistance from project staff was needed to train court personnel in implementation procedures and to monitor implementation progress. The informal training of court clerical personnel conducted during our pilot test dealt strictly with creating and maintaining the case control card. Management issues, implications of the data, and various advantages that might accrue to the court from the information system received only superficial attention. A formal training and education workshop would have focused on issues such as these. However, time constraints made such an undertaking unrealistic. In future implementations that are not constrained by such limits, a workshop is recommended. At an optimum, it should include judges, administrators, and clerical personnel so that court participants can discuss and understand the interrelatedness of the management component and information system. A formal workshop of all relevant participants would also minimize any misunderstandings in system definitions and operations.

Additional on-site monitoring by project staff would further reduce the likelihood of misunderstandings during implementation. Additional technical assistance could be provided to the court with more on-site time. Furthermore, this on-site presence allows project staff to evaluate more closely the problems involved in implementing the total case management and information systems. This analysis would be useful in refinement of these systems for other implementations.

In summary, the recommended steps to implementation are:

- extensive evaluation of the court's present recordkeeping system;
- an investigation of a sample of cases and their dispositional processes;
- a formal workshop to introduce the CMIS, explain use of the case control card, and train personnel; and,
- close monitoring of the implementation process, particularly during its initial phases.

6. Preliminary conclusions. Testing of the CMIS information component and research conducted during the Phase I implementation demonstrated:

- the apparent feasibility of introducing a simple manual information and control system;
- a system design that seemed to perform the functions originally envisaged and, as such allows a court to improve its internal management system; and,
- a further indication of the necessity for a judicial management component that provides a goal structure and internal focus for members of the misdemeanor court environment.

Additionally, this experience pointed to the need for further research on implementation of the total CMIS package. The nature of the CMIS had permitted us to separate its components and pilot test only the information-data support element. Consequently, little was documented about the dynamics of the management component, the relative ease with which this could be developed and its overall effect on court operations. These issues were addressed in the following phase of the project. Specifically, Phase II was organized to address the process of developing and initiating the implementation strategy and the impact CMIS implementation might have on a court's management techniques and case dispositions. F. CMIS Implementation in the Blue Earth County Court, Mankato, Minnesota, and the Nueces County Courts at Law, Corpus Christi, Texas

1. Implementation goal. The goal of CMIS implementation in the next phase of the project was to encourage and facilitate court supervision of caseflow through improved case management, recordkeeping, and statistics. The ability to achieve this goal depended on successful achievement of several subsidiary objectives:

- successful installation of a fully operational case control and recordkeeping system in each court;
- stimulation of case management policy development by the judges through

production of meaningful statistics by CMIS;

-influence over attorneys' behavior with respect to caseflow. (It was expected that the structure of CMIS would impose certain constraints on the actions of counsel affecting caseflow management.);

-increased communication among personnel about caseflow management;

-enhancement of the system's ability to adapt CMIS functions to variations in system operation and thereby maintain court control over caseflow; and,

-increased perception by judges and members of the clerk's office that control of case progress is properly within their responsibilities.

The expectation that implementation of the CMIS and its case control card component would facilitate case progress rests on a rather basic assumption: That the failure of courts to exert positive control over caseflow, while often grounded in the belief that it is not the court's responsibility to move cases from filing to disposition, is in large part attributable to the absence of accurate, pertinent information about progress of individual cases or of the condition of the court's pending inventory as a whole. If this hypothesis is correct, we would expect successful implementation of the case control card system to affect the behavior of clerical/operational personnel in maintaining new case management records, and to affect the case management behavior of judges through provision of information from these records, and to affect attorney behavior in the caseflow management system through the systemic variable--the case management recordkeeping system itself. In other words, as a direct result of successful system implementation, operational changes in case management as well as attitudinal changes toward case management would be expected. As discussed at the end of the chapter, project staff believes that both types of changes have occurred in both implementation sites.

Our experience in testing the case control card components of the CMIS in two Massachusetts courts had suggested that the probability of successful imple-

mentation would be enhanced if (1) sites were selected based on their interest in court control of case progress and their enthusiasm for trying the card system, and (2) there was much closer supervision by the project team than time constraints had permitted in Massachusetts. The two courts selected pursuant to project criteria were the County Court of Blue Earth County, Mankato, Minnesota and the County Courts at Law, Nueces County, Corpus Christi, Texas.

## 2. Site descriptions.

a. Jurisdiction and caseload. Comparative information concerning the two courts is shown in Table Four. Both being misdemeanor courts, their jurisdiction was similar. However, in Corpus Christi, most misdemeanors are handled by a municipal court; in Mankato, all misdemeanors, are processed through the Blue Earth County Court.

b. Administration and judicial manpower. In Minnesota, judges are elected for six year terms. The trial courts are unified for purposes of administration into judicial districts comprised of one or more district courts and one or more county courts. All judges may hear cases arising in either the district court or county court, but as a practical matter county court judges hear county court cases only, with few exceptions. Within each district, a chief judge is appointed by the chief justice. A district administrator is, in turn, appointed by the chief judge with the approval of the board of judges and the supreme court.

In each county, the clerk of court, who serves both district and county courts, is appointed by the district judges after consultation with the affected county judge(s). Each clerk is accountable to the district administrator and the district judge. The district administrator exercises some supervision over administration in each court and serves as a resource on administrative problems.

In Blue Earth County (one of fifteen in the district) the clerk of court



supervises approximately twenty clerical employees, represents the court on various county-wide committees, and serves as liaison to other county departments such as the prosecutor. There is one district court judge and three county court judges in Blue Earth County.

In Texas, judges are elected to specific courts within the district or county courts (e.g., County Court at Law #2) for four-year terms. Since the court system is organized into judicial districts, the judges are technically under the supervision of the district administrative judge. However, no supervisory activity is evident in day-to-day operations.

Though part of the county board of judges (all district and county court judges), the county courts at law are funded locally by the Commissioners Court. The position of presiding judge rotates among the three county courts at law judges of Nueces County monthly. Additionally, the district court presiding judge, under the rule creating the board of judges, is over all the judges in the county. However, during this project, no involvement in the county courts at law caseload matters by the district judge was observed.

The court administrator is appointed by the board of judges (seven district court judges and three county court judges). The position serves both the county and district court. He supervises directly only two employees but has supervisory authority over the individual court coordinators who are hired by and work for the judges.

c. Recordkeeping and case scheduling in the implementation sites. Site selections required the evaluation of the existing recordkeeping systems in addition to the assessment of environmental factors described previously. The recordkeeping system in Mankato included (in addition to case files, but no docket cards) a 5" x 8" index card that contained a significant amount of information similar to the types which subsequently would be recommended for the case control card. This card was filed numerically. Additionally, an alphabetical

TABLE FOUR  
Jurisdiction and Caseload of Phase II Sites

	<u>County Court of Blue Earth County</u>	<u>County Courts at Law, Nueces County</u>
No. of Judges	3	3
Criminal Jurisdiction	Petty misdemeanors (parking, ordinance violations)  Misdemeanors (traffic & other criminal)	Misdemeanor jurisdiction excludes vehicle-related offenses except DWI and driver's license suspension
Civil Jurisdiction	Civil suits up to \$5,000, small claims up to \$1,000, probate, juvenile	Civil suits up to \$5,000, mental commitments, pro- bate, guardianship, con- demnation appeals
Annual Criminal Filings	8,000 misdemeanors* 56,000 petty mis- demeanors	2,808 misdemeanors
Statutory Speedy Trial Requirements	Must be tried within 60 days of not guilty plea if demanded by defendant or prosecutor in writing	Appellate court review of Speedy Trial Act held that responsibility for disposing of cases with- in 60 or 90 days rests with prosecutor

\*CMIS was applied to the approximately 2000 cases annually in which a not guilty plea is entered at first appearance.

index card was created for each defendant. Case files, also 5" x 8", were filed numerically by case number. Scheduled appearance dates were noted on the alphabetical index card, the numerical index card, and on the case file jacket. The index cards for all cases were maintained and filed centrally by the arraignment clerk in the office of the clerk of court. Cases were scheduled by the courts coordinator who also worked in the clerk's office. This amounted to a centralized scheduling and recordkeeping system.

In Corpus Christi, by contrast, each judge employed a court coordinator who was responsible for scheduling all his cases. The court coordinator maintained any records which may be necessary to facilitate case scheduling, including a docket book in which daily minute entries are made. Case files were maintained and filed in the office of the clerk of court. However, case files are brought to the courtroom when a case is scheduled and remain in the courtroom as long as the judge or court coordinator may require them for reference or entries. The court coordinators also were using a form of index card. This blue 4" x 6" card was supposed to be kept up to date with current case status, but inspection of the cards in each office indicated considerable non-uniformity in maintenance and/or use of these cards.

Project staff concluded that institution of the CMIS case control card would not adversely affect recordkeeping in either site and would, in fact, enhance case management in both localities. Moreover, the work involved in using the CMIS card would represent only a modest increase over that required earlier with index cards.

3. Principles of implementation. The complexities of introducing a new system, even in a friendly environment, cannot be underestimated. Certain features of our implementation effort were expected to enhance the probability of successful installation of the case progress control card in both sites. These features were:

- respect for the ability of court personnel to participate productively in final development of the system;
- a tested product to offer;
- an experienced project team knowledgeable about the system to be installed;
- support from top management in the organization, in this case, the court administrator and the judges;
- collaboration with system participants in final design details; and,
- feedback to system participants on the results of the implementation efforts and their operation of the new system.

a. Respect for court personnel ability. Recognition of the capabilities of the people who will be responsible for operating a new system is a basic and elemental requisite for development of a good working relationship between project staff and court personnel. Implementors often assume that, because the system to be introduced is new to the personnel, their contribution to system design and implementation efforts will necessarily be limited. In fact, the court's personnel are the most knowledgeable about internal operations and the interpersonal relationships in the court that may be expected to affect any new program that is introduced. It is therefore more constructive to assume that court personnel are intelligent, enthusiastic, and willing to participate actively once they are fully informed about the system and once it is clear to them that the project team respects their knowledge and abilities.

b. A tested product. The second "feature" on this list, a proven product, is particularly important when implementation is not preceded by an extensive diagnostic phase. The court administrators, in both Mankato and Corpus Christi, decided to implement the case progress control system to enhance reasonably effective operations, not to solve specific problems. Since the project team did not participate in any problem definition and solution phases (the first contact with court clerical personnel was presentation of the "product"—the case

progress control system and card), the utility of the new system had to be demonstrated quickly and clearly. In this project, the implementors were completely familiar with CMIS concepts and operation, having participated in the pilot testing in the Massachusetts courts.

c. An experienced project team. Those who introduce the so-called "proven product" also must be skilled at explaining the product and working with group members to facilitate implementation. It is important that organization members perceive the implementors as knowledgeable, capable experts. The positive image of the outside expert is highly correlated with successful introduction of change.

d. Top management support. Support from the top management in each court (court administrator and judges) was considered of critical importance in this project for several reasons. First, the project did not go through a problem definition or diagnostic stage and virtually commenced with implementation activity. Second, relatively little time was available for implementation/installation, or for performance measurement and reinforcement.

Time is a major dimension in any change model. Time is needed for group participants to assimilate information, put it into operational use, evaluate the resulting system, modify it, and permanently adopt it. Time for those activities was very short in this project. In fact, the time constraints were such that the case control card system had to be operational on a provisional basis within approximately two months of the initial meetings and agreements. Accordingly, emphasis was placed on whole-hearted support by top managers in each court. In Mankato, initial support came from the judicial district administrator and from the clerk of court. In Corpus Christi, the court administrator was an enthusiastic proponent of case control and of the CMIS approach. There could be no doubt in either location that those in authority believed CMIS could be an important component of a caseflow management system. In a sense, we relied on "compliance" from court personnel in initial system installation, hoping the developing rela-

tionship with group members and the strengths of the case control card system itself eventually would lead to "conversion". The fact that our goals were specific and the system was simple and readily understood helped overcome the time constraint.

e. Collaboration. Collaboration with court personnel on system details built directly upon top management support for the system. It is not necessarily easy to engage in collaborative planning, that is, to involve the people who will execute the new system. Many people simply do not enjoy analysis and planning. Sometimes aspects of the system may be of such a technical nature that court personnel do not have the necessary skills to design them. Accordingly, it was necessary for the CMIS project team to isolate system features which were not susceptible to collaborative planning and modification. The remaining features served as the basis for discussion and joint planning with court personnel.

f. Feedback. The final element used to enhance implementation efforts was immediate feedback to court personnel and judges. Feedback concerned both the success of the system implementation and operation and the case management information made available by the system. The role played by feedback will be demonstrated in the chronological description of implementation in both Mankato and Corpus Christi which follows. Our implementation activities attempted to incorporate the key elements for successful implementation identified above.

4. Description of CMIS implementation. In Mankato, our entree was through the regional district administrator, who was solidly behind introduction of CMIS into the County Court of Mankato and believed that the clerk of court would be receptive to it. The administrator's support of the project was communicated to members of the clerk's office at the outset. It was reinforced by her on-site presence and consultation throughout the program. In this way, her support was clearly visible to the people in the system, both judges and clerical personnel.

The clerk of court was enthusiastic about trying CMIS and promised his support. We met with the judges of the court to explain the program and solicit their consent and encouragement to install and test the system. A few preliminary meetings with the clerk followed to obtain enough information about court operation to begin design of the case control card.

After preliminary design, a meeting was arranged with the personnel in the clerk's office who would be responsible for maintenance of the case control card. Those personnel were the criminal division supervisor, the court coordinator (responsible for assigning trial dates), and the traffic court arraignment clerk who would initiate and maintain the cards. This meeting lasted several hours. The purpose of CMIS and the capabilities of the case control card system were explained thoroughly; then card design was addressed. Personnel were given the opportunity to discuss and add or delete data items from the preliminary design prepared by the project team. Also, they were asked to comment on the format and layout of the card. As a result, the content of the card was modified and the format was changed to suit their requirements. The meeting also produced rudimentary procedures for CMIS use, and during this time the members of the clerk's office began to refine these procedures.

The cast of characters was different at the next meeting. This change injected an interesting feature into implementation in Mankato. The traffic court arraignment clerk, who was to be in charge of the case control card, had resigned. Another employee had been assigned to the position. This change occurred while the control cards were being printed so the new incumbent had no input into the design. In fact, CMIS operation commenced almost as soon as she started the job. The project team was concerned that the timing of these events might undermine the earlier collaborative efforts. Nevertheless, on that visit, the consultant met with the new case control clerk, explained the card to her, and presented a set of written definitions and operating procedures to guide her in the use of

the control card. It was emphasized that the card was being tested and there would be ample opportunity for further modification. She was urged to telephone the consultant at any time with questions about the use of the card.

It is intriguing, if unverifiable, to speculate that changes in operational personnel assisted CMIS implementation in both locations. Not only did the incumbent in the control clerk position change at exactly the time the new system was introduced in Mankato, but two of the three court coordinators in Corpus Christi also initiated their employment at the time CMIS was introduced.

About a month after the Mankato control clerk had incorporated the case control card into her operation, the consultant made another visit. It was a key visit, one in which there was ample opportunity to continue collaboration and to begin feedback to the court. An important aspect of collaboration is frequent, detailed feedback to system participants on their individual performances as well as the overall success of the new system. Feedback was extended to providing the judges information revealed by the control system about various aspects of case management in their courts. This was consistent with the philosophy that knowledge of results can stimulate improved performance.

During this visit, an open discussion was held to answer questions, explore the first month's experience under CMIS, and provide guidance. The consultant emphasized the excellent job the control clerk had done in maintaining the case control cards. This reassurance was clearly welcome. The discussion then moved to staff comments on the suitability of card design: the need to delete certain items that were not being used, the advisability of adding additional units of information to make the card more useful to the staff and the judges, and any design features that might be modified to facilitate card use. Without exception, the suggestions of the clerical staff were accepted and subsequently integrated into a redesigned card. Certain of the suggested additions to the card were not perceived to be essential to the system, but were accepted in order to avoid dis-



couraging staff interest.

Discussion then moved to case management information provided by CMIS and the possible need for new case management policies. This event highlights the fact that introduction of a new system and the presence of an outside consultant raise the awareness of the people in the system about what they are doing and how the system is working, and increase communication within the system about the operation in toto. Several problems had come to light. One was the high continuance rate in DWI (driving while under the influence of intoxicants) first appearances. This had resulted from the state chemist's inability to prepare his report in time for the first court appearance of the defendant. As a remedy, the court staff decided to recommend that judges advise the police department to schedule first appearances two weeks after arrest or citation instead of one week. Further, the clerical staff felt that the prosecutor's office should be advised of cases in which the defendant had failed to appear at "first appearance". In the past, future dates were set only after the defendant was located; without a future action date set for review of the case, there was no further action in many cases. Court personnel concluded that a new appearance date should be set after a failure to appear so that the prosecutor would have a specific date on which the defendant should be brought to court. This procedure was expected to provide control over cases which previously had escaped court attention.

Several other items of concern to the staff were discussed. The consultant recommended that a meeting be convened between the consultant, the clerical staff, the clerk of court, the district administrator and all the judges. At the meeting, statistics which had been compiled by the consultant from the case control cards were presented to the judges. Thereafter, the members of the clerical staff presented their analyses and recommendations for new policies. The judges discussed the recommendations thoroughly, generally were receptive, and asked the clerk of court to draft policy statements to be signed by all the judges and is-

sued as court-wide policy. Approximately one month later, the same group met again to discuss the draft policy statement. The judges adopted the policies with minor modification and authorized their immediate issuance.

At about that time, the second set of monthly statistics was tabulated from the cards by the consultant. A set of instructions for tabulating the monthly statistics was developed by the consultant and the statistical clerk was trained to prepare the report. Ideas for further modification of the case control card were discussed. A third iteration of the control card was produced by the consultant. Since that time, the case control card has been modified again, without assistance of the consultant, and has been printed in final form (see case progress control card and step-by-step instructions in Appendix II-A). The statistical report is being prepared entirely by the clerk's office and the tabulated information is sent to the judges each month, together with an appended commentary that highlights certain key figures. After the first statistical reports were sent to the judges, one judge responded in writing to the clerk requesting recommendations for administrative policy to deal with the issues raised by the data. This was a significant event, lending support to our belief that knowledge of present performance leads to improved performance.

In Corpus Christi, the project team attempted to apply the same principles of implementation. The initial meeting with the court administrator, to fully describe the parameters of CMIS, had been held in October 1978. Installation of the case control system commenced in early January 1979. The administrator's tentative agreement to install the system, with project help, had already been secured. Nevertheless, we felt final agreement was dependent upon a more complete understanding on his part and agreement by the three judges to participate. At the time of this visit, two of the three county judges were newly elected. They would soon hire court coordinators who would start their work when the judges took office January 1. Project staff met with the judges and fully described

CMIS, its potentials for case monitoring and case scheduling, and the generating of statistical reports. The judges expressed interest in adopting the system and agreed that it could begin approximately January 1. Top management support had been achieved from the court administrator and the judges.

The implementation steps closely followed those used in Mankato. However, card design was principally a collaboration between the consultants and the court administrator; the court coordinators had no input in the beginning since this activity had to be completed prior to their starting work on January 1. The card went through several modifications prior to introduction to the court coordinators at a group meeting in January. A presentation, similar to that made to the judges, was given. Full discussion was held with ample opportunity for questions. During that visit, project staff prepared instructions for use of the case control cards and reviewed them with each court coordinator individually. Shortly after, follow-up telephone calls were made to each coordinator to discuss progress and problems. A month later, project staff made a site visit to discuss the use of the cards and the coordinators' suggestions for modification. Suggestions were received from the court administrator as well. In fact, the court administrator had taken the lead in redesigning the card. Following the same philosophy used in Mankato, unless a proposed modification seemed detrimental to the card or system, it was incorporated. Accordingly, the Corpus Christi case control card is a product of collaboration involving the court administrator and court coordinators. As of the date of this report, all three court coordinators have absorbed the cards into their daily operations and require no outside assistance to maintain them.

In addition to project team feedback to the coordinators regarding their use of the cards and to the judges regarding case management and dispositional statistics, the court administrator instituted weekly meetings with the coordinators. These meetings provided a mechanism for periodic assessment of CMIS.

5. Assessment of implementation efforts in both sites. How well had implementation in Mankato and Corpus Christi succeeded? This question must be addressed on several levels. At the technical level, concerning the details of developing the case control card and installing the system in each court, the case progress control card has been fully integrated into case management and record-keeping in both sites. In Mankato, the arraignment clerk and others in the office rely on the case control card almost exclusively for case scheduling, case control, and case information. In Corpus Christi, where there are three individual coordinators operating three individual systems, the degree of reliance on the system or the control card varies. Two rely on the card as a quick reference for case information and use the card for statistics and case scheduling. One coordinator, though she uses the card and punches it for statistical purposes, was slower to adapt to the concept and does not rely as much as other coordinators on the case control card. The project team perceives this reluctance to use the card as stemming from certain ambivalence on the part of both the coordinator and the judge about the concept of court management of case progress. In spite of this reluctance, this particular judge's case statistics over a five month period in 1979 demonstrate the potential positive impact of the case management information produced by the control card, as shown in Table Five. These results support our assumption that timely, accurate case information is a strong force for improved caseflow management.

TABLE FIVE

Judge #2

	<u>Cases Disposed of</u>	<u>Total Pending</u>	<u>Total Pending over 90 Days</u>	<u>Total Pending with No Future Date Set</u>
March 1979	116	347	265	245
April 1979	102	322	210	208
May 1979	89	312	173	85
June 1979	105	285	153	85
July 1979	156	217	71	16

In Mankato, in spite of the rapid mastery of the technical aspects of CMIS and total integration of CMIS into clerical operations, the ability to interpret the case management information and develop appropriate conclusions and recommendations developed more slowly. However, the grasp of the significance of the information by administrative personnel has shown considerable development over the duration of the project. Excerpts from the cover memos that accompany the Mankato monthly statistics highlight the evolution of a case management inclination:

March 23, 1979: The total number of pending cases has been increasing, as has the number of cases under 30 days old and over 90 days old. This may indicate an increase in the number of charges being filed or an increase in not guilty pleas. One cause may be related to B.C.A. chemists on strike. Ideally, it would seem that those cases disposed of without trial should be disposed of within the 30 to 60 day period.

April 1, 1979: An examination of the cases disposed of over 60 days shows that 81 percent were disposed of without trial. Further examination reveals that 52 percent were dismissed. I was unable to find any consistent or significant reason for so many dismissals. Thirty-three percent of those cases were parking tickets.

We may need to adjust the 60 day rule, as it is not realistic.

June 6, 1979: Age of cases at the time of disposition reveals only 63 percent of the cases were disposed of within the 60 day goal set by the Court, with 30 percent (39 cases) being over 90 days old. Of those 39 cases that were over 90 days old, 31 involved the City of Mankato's prosecutor.

I will continue to monitor the age of the City of Mankato's cases. Should this trend continue we may have to take steps to eliminate the problem.

August 1, 1979: The number of new cases filed for the preceding four

months totaled 550, or an average of 137-1/2 cases per month. During the same period the Court disposed of 536 cases, or an average of 134 cases. It would appear that the court must dispose of at least 140-150 cases per month if we are to dispose of our backlog and keep abreast of new filings.

The report indicates that 38 percent of the cases were over 60 days old at the time of disposition. Of those cases, 19 were the City of Mankato's, 13 the County Attorney's, and one each for the City of Eagle Lake and Lake Crystal.

Attorney (name specified in original excerpt) was involved in four cases representing the defendant and one case as prosecutor. He had a total of 13 continuances out of the 58. No other attorney had any significant number of continuances.

October 19, 1979: The total number of cases reaching final disposition in September was 121, a substantial increase but below the 140-150 average needed per month. We are hopeful that the increase was a result of the pretrials started in September. We have found it necessary to collect additional data on the pretrials to determine the net results. After a few months we should be able to determine the degree of success or failure and the effect on our pending caseload. With 51 percent of the cases being over 60 days old at the time of disposition, the pretrials had better have a positive effect or we are in trouble.

The judges were alarmed to see the total pending cases increase to 319 as reflected on the previous statistical report. The total pending cases figure is relative but the court's primary concern is the number of cases pending pretrial and trial. We will therefore be adjusting our statistical data collection system to provide the actual number of cases pending pretrial and trial.

November 29, 1979: A year has passed since the implementation of the case

control card system. At this point in time I feel an evaluation of the system is in order. The system as designed and implemented in Blue Earth County provides the Clerks office with a simple and effective method of monitoring cases. The amount of time spent in creating and maintaining the case control cards is nominal as we incorporated it with our alphabetical defendant index system. The simple system requires very little staff training and the cost is extremely low. The system permits the Clerks office to monitor case progress by means of assigning court action dates on all cases, and to control and review old cases so that they do not become lost and forgotten.

The statistical information provided the Judges and Clerks office has stimulated interest in case management. The result being policy changes in an attempt to effectively control and manage case progress and insure the timely dispositions. (Pretrials, public defender system, follow up on failure to appears, dismissal of old cases where action is not taken by the prosecutor.)

6. Conclusions. Having spent about three years developing and testing the information component of CMIS, the project team is quite convinced that the case-progress-control-card technique facilitates a court's taking and monitoring control of its caseload. Moreover, the card system is economical and easy to understand, and its installation and operation can be achieved rapidly. In all the test sites, court personnel were using the cards within two to three months of introduction. No added manpower has been required for the operation of CMIS.

Early in the project, it was estimated that the card system would be feasible for up to 25,000 filings per year. We have not had the opportunity to work with courts whose caseload approaches that volume. In Mankato, filings were about 8,000 per year, but only 2,000 went beyond first appearance and, thus, had a case-progress-control card. Further, that estimate did not define an

acceptable commitment of personnel to manage that number of cases (e.g., one person fulltime, two people fulltime, etc.). We speculate, based on recent experience, that the optimum caseload for use of the control card would be that volume which could be managed by the equivalent of one fulltime clerk, which of course depends on the complexity of the card and the system itself. At this time, it appears that one person can adequately manage a file of approximately 3,000-5,000 cards, containing a large amount of information, on a nearly full-time basis.

Not only is the card easy to develop and integrate into the traditional operation of a clerk's office, it soon becomes a nearly indispensable tool for case-progress monitoring, case scheduling, quick reference, and production of caseload and disposition statistics. The information provided by the system appears to stimulate positive court control of case progress in the form of activity designed to a) resolve problems revealed by the system, b) increase dispositions, and c) bring disposition time in line with the court's time standards.

Nevertheless, as suggested by our experience in Massachusetts, these results are likely on a sustained basis only where the judges of the court believe that movement of cases is the responsibility of the court and, further, believe (or are shown) that a) opportunities for improvement exist or b) continuous attention is necessary to avoid delays or the build-up of a pending-case inventory. In short, if the judges are not committed to "court control", and if the information revealed by the card system does not stimulate appropriate activity to control and/or expedite case processing, the card system itself will deteriorate to "just another record" in the clerk's office.

Despite positive results in both locations, project staff believe that a conclusive evaluation of CMIS will be possible only after several years have elapsed.

The extended research question is: What efforts/techniques are necessary



to sustain these advances over the long term?

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### CHAPTER III

#### COMMUNITY RESOURCE PROGRAM DESIGN AND IMPLEMENTATION IN PIERCE COUNTY DISTRICT COURT #1, TACOMA, WASHINGTON

##### Introduction

Most misdemeanor courts face serious rehabilitation resource problems. Often, the communities they serve possess insufficient resources or underallocate their resources to these courts. The insufficiency often stems from the nature of the locality within which they are located (e.g. rural courts simply have few facilities or programs which can be utilized). The lack of resources frequently stems from the fiscal crisis which faces government at all levels (see O'Connor, 1973). A number of communities simply lack the tax revenue to finance adequate support services, facilities, and personnel.

Many misdemeanor courts also underutilize available resources. Judges are not always aware of programs and facilities within their communities. Misdemeanor probation departments, where they exist, are frequently unfamiliar with certain community resources. Sometimes, external agencies are not utilized because they are external to court and probation department operations and have not initiated or otherwise established close working relationships with the judiciary.

The lack of awareness of community resources is symptomatic of the isolation of these courts from the communities they serve. This isolation is ironic, for much misdemeanor misbehavior reflects widespread social problems, including alcohol abuse\*. In a sense, misdemeanor courts function as authoritarian social agencies which deal with certain minor yet pervasive social problems. The social nature of many misdemeanors often frustrates judges because they lack

\*For example, a "needs assessment" of misdemeanor probationers in Tacoma, Washington indicated that at least two-thirds of this caseload had alcohol-related problems.

sentencing alternatives appropriate to address these problems.

One source of these courts' isolation is social and judicial undervaluation of the significance of misdemeanors. The similarity of most misdemeanor cases and the volume of cases may combine to bore and frustrate these judges. Judicial boredom and frustration (see Jacob, 1973,; Robertson, 1974) obscure the significance of misdemeanor cases which reflect pervasive social problems that may be insignificant in certain individual cases but collectively are quite important.

The Community Resource Program (CRP) was designed to more fully utilize existing community resources, broaden probation services, and provide the court with mechanisms to develop resources previously unavailable. Better resource development and utilization should decrease isolation and reduce judicial system frustration and boredom by forging stronger ties between the court and the community.

The CRP integrates four components in attempting to achieve these objectives:

- Citizen Advisory Board (CAB);
- Community Resource Brokerage (CRB);
- Community Service Restitution (CSR); and,
- Expanded Volunteer Services (EVS).

With the exception of the CAB, none of these components is novel. Collectively, however, these components represent a comprehensive approach to expanded utilization of community resources by the court. By interacting in ways described below, the effectiveness of the CRP is greater than the sum of its parts.

##### A. Model Components

In this section, the goals and basic structure of each component are discussed. The operational details were developed during implementation, and are discussed in subsequent sections.

1. Citizen Advisory Board (CAB). This component is the most innovative of the program components. The concept is borrowed from the juvenile court field where, for years, juvenile courts have utilized advisory boards to support the procurement of probation, detention, and community agency services. Another goal for these boards has been to improve juvenile court liaison with external community agencies and the public. Reportedly, some juvenile court advisory boards have not been successful, yet their alleged success in other communities suggests this concept may have value in a lower criminal court.

There could be different types of court and justice system advisory boards having different goals, structures, and memberships. One model stresses community input, with the ultimate goal of reducing court isolation by providing a communication channel between the court and the public. Another model strives to increase communication between different members of the local criminal justice community by gathering representatives from the police, prosecutor's office, public defender's office, other correctional agencies, and the bar. A third type is designed to provide advice, criticism, and technical assistance to the court by including members with managerial expertise and knowledge of community resources. A final model emphasizes political influence, with the aim of assisting the court to obtain needed resources from funding agencies. While these models are presented here as pure types, in practice, any CAB could be a hybrid.

2. Community Resource Brokerage (CRB). Standard 10.2, Corrections, National Advisory Commission on Criminal Justice Standards and Goals, urges that "the primary function of the probation officer should be that of community resource manager for probationers". This approach replaces traditional probation counseling with an assessment of client needs, systematized client referral to community

\*The literature on citizen advisory boards is not extensive. See Sleggart, 1975, and Lewis et al., 1978. But see authorization provisions: Alabama Juvenile Code 5-106; Utah Code Annotated 78-3a-15; Annotated Code of Maryland 4-527; California Welfare and Institutions Code 525-36.

agencies specializing in particular forms of service delivery, monitoring of service delivery, and advocacy to improve the delivery of services (see Dell' Apa et al., 1976; Rubin, 1977).

Resource brokerage is based on the belief that probation department counseling services, in and of themselves, cannot adequately fulfill the broad range of needs presented by a department's clientele. It assumes that misdemeanor misbehavior reflects social problems and survival insufficiencies, and attempts to eliminate or reduce misbehavior by dealing with the sources of stress and non-adjustment. Its goals are expanded court utilization of the spectrum of existing community agencies and court promotion of the development of agencies and programs the court could utilize in misdemeanor treatment. Probation agency use of community agencies is not new, but a scheme of primarily serving probationers through systematized reliance on these agencies to meet identified probationer service needs is new.

To be successful, resource brokerage requires an adequate number of community agencies and programs. Thus, it is more likely to be utilized extensively in urban areas than in rural ones. Brokerage can be implemented only where there is an existing probation vehicle to assess probationer needs, identify community resources, and systematically broker probationers to these resources. The goal of reducing judicial isolation, probably, is best achieved by a judicially administered probation department, for executive agency departments would remove the court one step further from contact with community agencies. Resource brokering should increase dialogue between the court, probation department, and community agencies.

Resource brokerage has two basic operational characteristics: the development of probation staff specializations in particular areas of client needs and the brokering of clients to community service agencies. These characteristics are related.

Client brokering requires identification of client needs and matching clients to the particular community programs that specialize in handling the identified problems. Needs identification requires that certain diagnostic functions be performed at intake, a "needs assessment". It further requires knowledge of the "problem-mix" facing the department (a function of the type of locality and state law, among other things) and of the types of services needed and available.

Staff specialization reduces boundary problems between the identification of needs and obtaining community services to meet these needs: one staff member can specialize in a working knowledge of drug treatment programs, another in alcohol services, another in employment and vocational training, and so on for each area of client needs. Because many clients have more than one problem, a pooled or partially pooled caseload can be maintained, enabling the client to receive the attention of different probation officers specializing in different need areas.

A CAB can aid in the implementation and operation of resource brokerage by identifying existing community service agencies which can be utilized and by encouraging the development of needed agencies and programs.

3. Community Service Restitution (CSR). CSR is a sentencing alternative which requires the misdemeanor to perform services for public or private community agencies (see Beha et al., 1977; Harding, 1977). Like resource brokerage, it relies heavily on community agencies. One of its aims is to reduce judicial isolation and frustration by allowing judges to obtain useful services for the community. Another goal is to offer a community-based reintegrative opportunity for misdemeanants.

CSR may perform this reintegration in several ways. It can avoid jail sentences which may be inappropriate for many misdemeanors and harmful to many misdemeanants. It can avoid the financial burden of fines that particularly affect

indigents. It may allow the misdemeanor to gain self-esteem by constructively aiding the community. Finally, it can provide work experience and credentials which may aid an offender in obtaining regular employment.

The mechanics of CSR are relatively straight-forward. A judge sentences the offender to perform a fixed number of service hours. The specific number of hours is determined by establishing a quasi-wage rate for service (e.g., \$3.00/hour) and dividing the amount of the fine for the particular offense by the rate. Other methods could be used to determine hours. The precise nature of the service to be performed can be specified by the judge or the probation department; the probationer may select his job slot from the array of agency locations the department has aggregated or help create his own site.

CSR can interact with other CRP components. In exchange for providing service hours to different agencies, the probation department could receive higher priority for clients in need of direct services from those same agencies. The expanded volunteer services component could help in locating the agencies willing to utilize restitution hours and monitor compliance with court-ordered restitution. The CAB could assist in recruiting these agencies and assist with problems which might arise from such a project.

4. Expanded Volunteer Services (EVS). While not a new concept (see Burnett, 1969; Scheier, 1969; Beless et al., 1972; Leenhouts, 1972), the addition or expansion of volunteer utilization by a court or probation agency also employs a valuable community resource in service of the misdemeanor court. Volunteers can bring both knowledge and skills to a court, enrich probation services, and perform a myriad of tasks at little cost.

While volunteers in probation have traditionally been used as one-to-one counselors with probationers, they would be used in the CRP to perform other roles as well, such as administrative and monitoring functions. Volunteers could be particularly useful in monitoring clients involved in resource brokerage and CSR.



They could also be utilized by the CAB to perform administrative, clerical, court watching, and other functions.

5. Summary. The community resource program could have a number of significant effects.

A CAB can focus community concern on the operations of misdemeanor courts. It could initiate changes responsive to community and court needs. The CAB could also be an institutionalized problem-solving entity for the court. The involvement of lay citizens, as volunteer board members, taps a latent reservoir of knowledge and talent. Lay citizens can both perform judicial oversight and help attain improved management techniques.

The CRP should encourage interagency communications and provide the court with needed support services. Expanded utilization of community resources could mitigate the frustration and boredom inherent in the role of judging in these courts. The resource broker role of the probation department could further solutions to the health, employment, housing, legal, and other needs of probationers. Resource brokerage along with community service restitution should expand the sentencing alternatives available to misdemeanor judges. EVS offers an opportunity to augment court and probation agency functions and widen the understanding of these functions on the part of the citizen volunteers.

Having described CRP components, the problems they were to address, and how they individually and collectively might address them, we now turn to the implementation experience and its analysis. Research assessment of certain dimensions of the program implementation can be found in several chapters of the companion volume to this report.

#### B. Implementation of the Community Resource Program

1. Site selections. Because the CRP is a complex set of components, it was anticipated that it would be difficult to find courts both willing to undertake the entire program and having the managerial capability to execute it.

The two most innovative parts, CAB and CRB, were deemed necessary conditions for implementation; the remaining components were judged desirable, but not critical. Site selection criteria included:

- an urban court in a community of at least medium size;
- a court with a judicially-administered probation agency or a local probation agency primarily responsible to the judiciary;
- a community having a substantial number of service agencies;
- a community with a significant crime problem; and,
- a court and a probation agency which were not fully satisfied with their present achievements.

The sites were:

o District Court #1 Pierce County, Washington, and the Pierce County Probation Department, both officed in Tacoma. CRP was initiated here in the latter half of 1977; implementation efforts continued through the duration of the research project which terminated in Fall 1979. The possibility of implementing the CRP in Tacoma was first discussed with the court administrator and then with the director of the Pierce County Probation Department. The entire program was discussed further with the acting presiding judge of that court. During July 1977, the judges of District Court #1 agreed to invite a project staff representative to Tacoma for discussions concerning the CRP. On July 28, 1977, the judges voted to implement this program.

o The Travis County Courts at Law and the Travis County Adult Probation Department, both officed in Austin, Texas. CRP was initiated here in the latter half of 1978 following several site visits and discussions with the judges, the probation department's director and administrative staff, the court administrator, and the court's community advisory council which had been organized earlier. Implementation efforts continued through the

duration of the research project in Fall 1979. This implementation effort is described in Chapter IV,

Institute for Court Management staff were responsible for the implementation process in Tacoma and Austin; American Judicature Society staff were responsible for the research evaluations of CRP implementation in these locations.

## 2. Community Resource Program Implementation in the Pierce County District Court #1, Tacoma, Washington.

### a. Site description.

(1) The Court. Pierce County is the second-largest county in the State of Washington and has a population of approximately 411,000. Two of its dominant economic forces are the lumber industry and the Fort Lewis Military Reservation. Wood product firms manufacture plywood and paper products, among other items. Tacoma has a major deep-water port, and is served by three transcontinental railroads. Its labor unions are politically influential. Service industries and agriculture are also important segments of its economy. Pacific Luthern University and the University of Puget Sound are located within the county; there are two community college districts, Fort Steilacoom and Tacoma.

District Court #1, housed in the County-City Building in Tacoma, is the largest of the four district courts in the county. It has the highest volume of cases and serves the widest geographical area. There also are municipal courts in the city and the county. Neither the district courts nor the municipal courts are courts of record.

District Court #1 is served by three full-time elected judges and by the

\* The jurisdiction of a municipal court is limited to municipal ordinance violations. The district court's jurisdiction encompasses misdemeanor and gross misdemeanor violations. These jurisdictional distinctions result in a difference in the case mix each court refers to the probation department. All of the criminal referrals come from the district courts served by the department, though most of the referrals from these courts are traffic-related. Nevertheless, the impact of municipal court referrals in the case mix faced by the probation department is small: District Court #1 accounts for 73 percent of all referrals to probation.

Gig Harbor District Court Judge, who sits in District Court #1 as a commissioner-judge four days each week. A traffic commissioner was appointed during the project period to hear specified traffic matters. The court's major caseload consists of criminal misdemeanors, civil complaints to a maximum of \$1,000, and traffic offenses (in 1979, civil jurisdiction was increased to a \$3,000 maximum). The court's case volume in 1976 was 37,932 cases. For 1977, the case volume was projected at 40,000 filings. Annual case volume growth has been approximately seven percent. The court's 1976 budget was \$436,071 and its 1977 budget was \$667,787. The probation department, however, submits its own budget. The court's revenues approximate or slightly exceed expenditures.

The judges are not organized into criminal, civil, or traffic divisions, but hear all types of matters within the court's overall jurisdiction. Court policies are determined by majority vote in collegial meetings.

With the assistance of its first professional court administrator, the court adopted numerous innovations beginning in 1977. Among the changes were: establishment of a traffic violations bureau; institution of "trial by declaration", a process to simplify access to the court for minor traffic violators; promulgation of comprehensive local court rules; conversion to a new automated data processing operation; revision of accounting procedures and new cashiering equipment; an audit of internal records; introduction of a micro-fiche system of recordkeeping for case indices; an integrated five-year case history index; review and redesign of its jury utilization and management system; procurement of technical assistance services to assist the court's request for reorganization of its courtrooms and clerical space; calendaring system refinements; and conversion of files to a color-scan system.

(2) The probation department. The Pierce County Probation Department was established by the County Board of Commissioners in 1971 to serve District Court #1. It operates under a hybrid structure: the judges set employee qualifications

and appoint personnel with the approval of the Board of County Commissioners. In practice, this department is accountable to the judiciary. A state statute authorizes local initiation of such programs through local funding. The county ordinance authorizes the probation department to make services available to other district and municipal courts in the county on a purchase of service basis. During 1977, 73 percent of probationers supervised by the department were referred by District Court #1, 11 percent by the Tacoma Municipal Court, and the remainder from other lower courts in the county. The department's approved budget for 1977 was \$190,221.

During Fall 1977, as part of a county budget retrenchment, the probation department was advised that its staff would be reduced. Two special hearings with the county commissioners, attended by probation department and judicial representatives, restored this staff cut. From October 1, 1974 until May 2, 1977, the probation department also administered El Cid, an adult pretrial diversion program. In May 1977, El Cid, on the recommendation of the Pierce County Probation Department director, was transferred to the administration of the county prosecutor's office. Nevertheless, El Cid maintained a very close working relationship with the probation department.

The department consists of a director and seven probation counselors. Primary probation staff duties include the preparation of presentence reports and supervision of misdemeanor probationers. Probation officers also prepare post-sentence reports, make referrals to external service agencies, monitor antabuse medication, supervise a limited number of jail inmates placed on work release programs, and conduct jail interviews.

Before the implementation of the pilot project, the seven Pierce County probation counselors maintained individual caseloads. The average caseload was approximately 100, though actual caseloads ranged from 75 to 125 (in addition to pre-and post-sentence studies), varying by counselor and the time of the year.

Certain counselors had specialized training or experience in the areas of drugs, alcohol, sexual problems, and orthomolecular diagnosis. Clients, however, were seldom allocated to counselors according to specialization because of the volume of cases and each counselor's large caseload. Departmental guidelines required each probationer to meet with a counselor a minimum of once a month. Counselors typically met with ten to twenty clients per week. These meetings were held almost exclusively in the counselor's office, though field visits were made occasionally. Visits averaged an hour in length. Nevertheless, counselors spent more time per month with clients who were considered to be higher risks, or who had more numerous or complex problems. It was estimated that forty clients out of approximately seven hundred required more intensive treatment:

Traffic offenders represented approximately 70 percent of the supervision caseload. Within this group, driving while intoxicated cases totaled more than 73 percent of the traffic charges. Among criminal misdemeanors, the largest group was larceny (31 percent), followed by assault (16 percent), and disorderly persons/resisting arrest (12 percent). Approximately 85 percent of the department's clients were white and male. Fifty-six percent of clients had an annual family income of less than \$5,000. Fifty-two percent of clients were employed full time (Pierce County Probation Department, 1977).

Several staff members, including the director, considered that the department was not satisfactorily achieving its goals, such as the provision of quality services to probationers, sufficient response to clients' needs, and community involvement by the counselors. Reasons cited for these deficiencies included the inadequacy of external community services, the inconsistent quality of those services, low client motivation, and the failure of the department to clearly define its objectives. However, most staff considered that probationers generally perceived probation as helpful to them.

Current statistics were not available on recidivism or employment status

after termination. A three-year study of the probation department, completed in 1975 and conducted by the county Law and Justice Office, found a 30 percent recidivism rate after three years.

b. Attitudes of judges regarding the CRP components.

(1) Citizen Advisory Board. While the judges, as a body, generally supported CAB implementation, two judges were enthusiastic, one mildly enthusiastic, and the fourth extremely pessimistic about the CAB's potential.

One enthusiastic judge felt that the board would provide a pool of expertise that could be drawn upon by the court. She emphasized that the nature of the membership would allow the board to analyze community needs and the resources available to fulfill those needs. She also felt that judges would use the board frequently. She saw public relations for the court as an important function of the CAB.

The second enthusiastic judge had initiated a small advisory group during the 1960s to work with him. Although that group had been disbanded after accomplishing its limited objectives, the judges had hoped to reestablish the board on an ongoing basis.

The mildly optimistic judge felt that the differing backgrounds of the membership would generate suggestions helpful to the court. He had given little consideration to possible objectives for the board, however. Drawing from his experience with community boards, he indicated the fear that the CAB might become "another PTA".

The fourth judge saw little hope that the board could perform any useful function. In his view, it could not be used as a panel of experts to advise the court in matters of judicial administration because it was unlikely it would possess such expertise; even if it did, the judges would not know how to utilize it properly. Furthermore, the board could not be sufficiently influential to make any impact on community opinion or on community decisionmakers. Finally,

he concluded, the interest of the members would dissipate within two years, resulting in the board's internal collapse.

(2) Probation components. In general, the judges favored the probation components of the CRP including the CSR program. They earlier had given approval for the probation department to initiate volunteer recruitment. They had difficulty, however, in understanding community resource brokerage. Nevertheless, their strong community orientation facilitated acceptance of the probation redesign. The judge who was pessimistic about the CAB also lacked confidence in the probation department and, therefore, was pessimistic about the potential for the agency's improvement.

c. Description and analysis of component implementation.

(1) Citizen Advisory Board (CAB). CAB implementation began in August 1977. The court administrator assisted in the creation of the CAB and planned and coordinated the first meeting. She solicited prospective names from all four judges and from the directors of the probation department and El Cid. Judges conferred with acquaintances and community contacts to obtain potential nominations. The names of all prospective CAB members were reviewed by the presiding judge and acting presiding judge to reduce representational duplication. Thirty-seven letters of invitation were mailed. Each letter set forth certain CAB objectives and requested a response. Twenty-one persons accepted membership. A number of others expressed interest but stated they could not join the board at this time (see Appendix III-A for invitational letter).

Initial membership on the CAB included:

- the dean of the University of Puget Sound Law School;
- a professor from the University of Puget Sound Law School;
- a personnel and equal opportunity officer, Port of Tacoma;
- a law student who was formerly director of El Cid;
- an educational/social service consultant;



- an insurance broker;
- a United Way labor representative;
- a union official (American Federation of State, County, and Municipal Employees);
- a citizen and board member of the Tacoma Civil Service Commission;
- a captain of the Tacoma Police Department;
- the co-director of a narcotics center and one who had been active on other community agency boards;
- an insurance agent (a former police officer), newly elected as a city councilman in Puyallup;
- a housewife and involved citizen;
- the chairman of the Department of Sociology and Anthropology, Pacific Lutheran University;
- a counselor from the Community Alcohol Center;
- a business and social research consultant;
- the program director of the Puyallup Indian Alcoholism Program;
- a retired attorney;
- a builder and realtor (who resigned shortly, following his appointment to a federal position); and,
- two citizens whose work and activities were not identified.

Prior to the first meeting, the court administrator and probation director mailed information packets concerning the court and probation department to the board. This meeting, on October 14, 1977, was attended by fifteen members. Project staff and the presiding judge explained the reasons behind the creation of the board. In the words of the presiding judge, "We have given you the skeleton; you put the meat on the bones." The board should be "skeptical and direct", examining every part of the court's operation that law and ethics would allow, and structure itself "in whatever way it pleased within the law and the

court's broad guidelines". The only formal action taken by the board was to appoint a three-person nominating committee.

The second meeting took place November 10, 1977, and was attended by twelve members and a member of the project staff. The board elected temporary officers and divided itself into a court committee and a probation committee. The temporary chairman (later elected ongoing chairman), a law student and the former director of El Cid, took over the chair from the presiding judge. It was agreed that the board would draw its own constitution and by-laws. The chairman was to draft the constitution and by-laws, which were approved with amendments at a subsequent meeting (see Appendix III-B). Significantly, the constitution and by-laws provided for the replacement of outgoing board members by the board itself (despite certain judicial opposition to this provision), and for board election of its own officers. Over time, the judges proposed certain new board members, as did the CAB, who were appointed following collegial board-judiciary discussions.

The board's constitutionally stated purpose was to establish a means of communication between the public and the court "in order to give the public a more realistic picture of the criminal justice system and to provide the court with an informal and balanced impression of what the public finds unfair and unjust about the system".

The CAB agreed that committee meetings with court and probation department personnel would intensify members' knowledge of the issues and concerns of these organizations, and would facilitate the identification of areas in which board input would be most useful. Subsequently, the chairman met with the probation director and court administrator and contacted project staff, who supplied him with information concerning the work of other citizen groups which had worked with court systems. Also, following the second meeting, the board attended an open house at the probation office which enabled them to become better acquainted

with each other, with the two judges who joined them, and with the probation department.

After studying court and probation operations, the CAB established several operational goals. A substantial amount of the first six months of CAB operation was concerned with defining its purposes and the scope of its duties. Both committees conducted "brainstorming" sessions to define and prioritize goals. The court committee articulated five:

- studying the sentencing philosophies of the judges;
- dealing with the problems of the Pierce County Jail, because conditions there had effect on judicial sentencing;
- studying judicial philosophy; that is, how the judges perceived their function in the judicial system;
- studying the philosophies of the prosecutor and public defense personnel;
- and,
- addressing the court's space and budget problems.

By defining specific goals, the CAB laid a groundwork to conduct limited intervention strategies. In particular, the board helped the court obtain new, enlarged space in the County-City Building. Board members assisted the judges and court administrator in convincing the Board of County Commissioners that the court needed additional facilities. The board also exercised restraint in implementing its jail intervention interest. Early in 1978, an election year, the Pierce County Sheriff asked the board to conduct a "Blue Ribbon" investigation of the jail because of reports of violence there. The sheriff's request was relayed to the judges. This request posed a dilemma. The judges wished to maintain CAB independence; at the same time they believed that separation-of-powers considerations should preclude CAB investigation. As a result, the presiding judge requested that the CAB not investigate the sheriff, an executive officer. The tone of this request was cautionary; the board was not ordered to

not intervene. The decision to decline the sheriff's invitation was made by the board on the recommendation of the chairman. One CAB member later joined a social service volunteer effort aimed at assisting jail inmates and their families.

The board also received requests for advice from the court. For example, one judge asked the board to consider how the cost of appearing in court to challenge an improper charge could be made less than the fine on the charge. On several occasions, board members queried judges about particular cases, but the judges refused to discuss these cases.

Community awareness of the board was promoted by press coverage of its organization, meetings, and goals. One press account reported the first CAB meeting and discussed board goals and membership. A second feature article described the division of the board into committees and outlined CRP objectives. Press liaison had been established through the court administrator. The board promoted community awareness of the court by asking judges to make public speaking appearances before community groups. The board also assisted with the initial implementation of other CRP components. An insurance-broker board member helped the probation department obtain insurance coverage for misdemeanants performing community service restitution. The board also reviewed CSR plans, recommending that the tasks should be useful, should help beautify the community, and should not be "make-work" jobs, and participated in public hearings on these plans.

The implementation process actively involved all parties essential to the board's operation. At the administrative level, the judges allowed and encouraged broad input from the court administrator and probation director, who would be responsible for administering the CRP during and after implementation. At the community level, the judges sought to include representatives from a broad spectrum of social groups and community agencies. Further, the judges granted the board authority and responsibility for implementation within broad guidelines. During March 1978 the presiding judge, CAB chairman, and probation director

presented the Tacoma CRP implementation and developments to a meeting of the project advisory committee in Denver.

The CAB continued to meet each two months. In general, both the court committee and the probation committee met monthly, and the CAB executive committee also met monthly. Usually, one or more judges attended CAB meetings, as did the probation director. Project staff attended the majority of CAB meetings, as well, in technical assistance or evaluation roles. Probation officers selectively attended probation committee meetings. Non-members were added onto the probation committee and served on certain ad hoc projects designed by a committee or the board. For various reasons, certain board members resigned, to be replaced, sometimes belatedly, by new members. A membership committee was the formal nominating vehicle for new memberships. One or more judges, other board members, the court administrator, and the probation director were informal sources of nominees. By September 1978 there were nine board vacancies. Among the six persons appointed to the board that month were a public school teacher, the city's equal opportunity officer, a United Way official, a recent law school graduate who had done court watching in Seattle, and an employee of the American Automobile Association who was performing extensive court watching in area traffic courts. Subsequent new appointees included an employee of the city community development agency, a person who ran a coffee house for alcoholics, an ex-offender, and the director of an Hispanic center. One member withdrew from the board to be a candidate for Congress, a development which precipitated the approval of board guidelines related to membership and political participation. The guidelines included: "Any board member who wishes to run for office must resign his membership. Any board member who wishes to take an active role in campaigning for an office which directly affects the District Court must take a leave of absence and refrain from granting permission to use his membership on the board in any political endorsement or politically-related material... a board member may take

an active role in campaigning for any other office without taking a leave of absence" (see Appendix III-C). A second board member resigned in order to take active part in a campaign which fell within the restricted categories.

The court committee did not actively pursue certain subject areas it earlier marked out: judicial, prosecution, and defense counsel philosophies.

In addition to an ongoing clarification of its purposes, operating procedures, membership, and relationships to the judiciary and the broader community, three primary projects were to absorb the attention of board members:

- o Citizen dispute settlement program. The court administrator's interest in this concept, expressed to the board chairman and discussed by the latter with his law school dean, stimulated an extensive planning project to design and define a dispute settlement project. This effort was undertaken by the court committee whose chairman, a labor union representative employed by United Way, envisioned this as an informal, non-legalistic mediation effort which was not to involve law, law students, or lawyers. The law school dean, who had extensive experience in the arbitration field, was eager to rent space to the program in the law school which would be relocated near the courthouse following extensive remodeling of a building which was being purchased. He was interested in providing law students with opportunities to serve as case screeners and to be involved in negotiation experiences. Other interested community members were added to this task force effort which reviewed national materials compiled by the court administrator, heard a presentation by a Seattle official concerning a dispute settlement center demonstration project in that community, and developed an extensive working paper aimed at clarifying the proposed center's purposes, types of cases to be accepted, procedures, project organization, and plans for training of mediators and arbitrators. The court's new

presiding judge, effective January 1979, was opposed to the board's administration of the proposed program and questioned whether the project would have any significant value to the court or to the community. The former presiding judge had been in support of the concept. There were additional concerns that administration of projects by the board would leave no time for other tasks. Ultimately, in July 1979, over the opposition of the court committee chairman, the board voted to yield its sponsorship of the proposed project to the law school, to endorse the project, and to offer continuing advice and support to the project.

o Court observation program. In large part, this idea emanated from the judges who presided over this court in 1977 and 1979; they requested citizen review of their courtroom performance and of the court environment. It was also supported by the 1978 presiding judge. A project of the court committee, two members with court-watching experience elsewhere designed the first draft data form, which subsequently received very critical review from the 1979 presiding judge who considered that the data to be collected and the proposed report to be produced had been cast innappropriately. An initial objective of the drafters had been to develop a brochure to be provided to defendants which explained court proceedings, described the amount of bail and the types of sentences usually accorded for specified offenses (based on court watching data), and provided information on how to obtain counsel and other related content. The dispute was worked through at subsequent meetings with the judges, committee members basically accepting the new presiding judge's viewpoint: that observations should focus on court proceedings and the general court environment, and that no "your rights in court" brochure be issued by the CAB. Interest areas within the first goal were to include the way judges deal with parties, witnesses, and attorneys; whether judicial advisements, other explanations, and decisions are under-

standable; whether there is disparity between judges, and whether judges sentence differently at the end of a long day. Concerning the physical facilities, interest areas would include the adequacy of hallways, jury rooms, accoustics, lighting, noise levels, appropriateness of waiting facilities, etc. The data and report would be submitted to the judges for their review and utilization in improving their performance, court procedures, and facilities.

When the term of the first board chairman expired in March 1979, he became co-chairman of the court evaluation project. With input from several non-board members who joined the committee, the data collection instrument was redesigned and presented at the July 1979 board meeting. A new judge of the court expressed concern that one item to be recorded was whether the judge intimidated the defendant. It was his opinion that judges should intimidate defendants. Three board members retaliated: Are not defendants presumed innocent? The law is intimidating in itself. Judicial intimidation is contrary to judicial ethics. The new judge retreated. He was to disagree later with items requesting observer assessment of such subjective qualities as the defendant's attitude and attire. The presiding judge countered that subjective impressions were extremely worthwhile whether or not they were valid. Project staff also made additional input into the revised forms which underwent test runs by board member volunteers in the Fall of 1979. Pending final revisions and board-judicial approval, the court evaluation effort will be undertaken utilizing board members, college students, and other interested citizens as court observers.

o Speakers bureau. This proposal grew out of board interest to interpret the court to the community and obtain community feedback to the court. The proposal took different forms in its evolution, had two project chairpersons, both of whom resigned sequentially due to the press of personal and professional



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responsibilities, but evolved to written draft form and a decision that board members needed more education about the court before the interpretive project should be launched. The concept was that a team of a board member and a judge would speak to a variety of community groups, the board member interpreting the purpose and role of the CAB and a judge interpreting court functions, jurisdiction, procedures, issues, etc. At the time this report was written, the speakers bureau project was in need of a new board member spark plug to move the project forward. However, on an informal basis, different board members had continued to invite judges to speak to groups with which they were affiliated, such as the United Way union counselor training program.

Other roles and smaller projects undertaken during the demonstration period included:

- o The Probation Committee. The committee, in its stages, became familiar with the workings of the probation department and reviewed plans to implement community service restitution and resource brokerage components. A union member of the committee was asked to represent union concerns in the development of CSR, though no problems surfaced. The first committee chairperson suggested the committee's role was to:

- make the department better understood within the community;
- enhance the operation and administrative efficiency of the department;
- coordinate efforts of agencies within the community that are involved in misdemeanor service delivery; and,
- expand opportunities for citizen participation in probation programs.

The probation director who held that position during the early months of CRP implementation found the committee participation useful. In part, the committee influenced the decision for the department to hold public hearings on the proposed CSR project. Probably, the committee was not used

as fully as it might have been to assist the department in building bridges to other agencies for improving services to probationers.

With the resignation of this director, the committee convinced the judges that it should participate meaningfully in the selection of his successor. It obtained agreement to review applications, develop screening criteria, screen applicants, narrow the applicant list to three, take part in interviews with the finalists, and recommend selection of the new director. The committee performed this role conscientiously, although the judges appointed as new director the person rated by the committee as second-best qualified. One of the criteria utilized by the committee was whether an applicant would accept and implement CRP. When one applicant rejected committing herself to this program, she was advised she would not be actively considered further by the committee.

The new director found little utility in the committee chairperson's continuous interest in clarifying probation and probation committee goals. With the chairperson's resignation and departure from Tacoma, the probation director established an effective working relationship with the new chairperson, a highly-regarded police captain. While it is difficult to pinpoint any auspicious or singular accomplishments by the committee since then, it has continued to meet monthly with the director, sometimes augmented by certain staff persons, and has been utilized as a sounding board by the director regarding general program and CRP implementation efforts and effects. According to the probation director, the use of the committee has reduced, somewhat, the probation staff's isolation from the citizenry and has provided the director with a type of support that has assisted him in his relationship with the judiciary and with other agencies. The chairperson, who also taught at the University of Puget Sound, arranged for two students to serve as management interns with the department, volunteers who

were to be used by the probation director in performing his management functions.

As described later in this chapter, the CSR program had to compete for agency placements with two juvenile and one adult felony CSR programs which developed subsequently. The probation director took the lead in exploring with these organizations the feasibility of all four agencies brokering CSR cases through a central United Way clearinghouse. But a probation committee member questioned seriously whether United Way could undertake such a project without additional funding. Additional exploration with United Way resulted in the recognition that financial strictures prohibited United Way from fulfilling such a role, terminating further planning, negotiations, and time investment. The probation director, though disappointed this program could not have been brokered to United Way, was grateful for the committee member's caveat and contribution.

Additional CAB developments included:

- o Assisted the judges in obtaining Board of County Commissioners' approval to move the court to expanded facilities on the sixth floor of the County-City Building. The board was later to send a support letter and provide representation when the judges obtained an initial grant of \$36,000 from the commissioners for the design and development phase of the facility relocation.
- o A CAB member, not a member of the probation committee, was instrumental in facilitating community alcohol services to department probationers.
- o Upon the retirement of the judge who presided over the court in 1977 when the CAB was appointed, the judge was named an honorary life member of CAB. He continued to attend and participate at CAB meetings assisted in recruiting new CAB members, and performed other CAB roles.
- o The court administrator served as a site consultant to the Oregon Community

Council on the Courts, supplying that organization with extensive information on the Tacoma CAB. The Oregon organization plans to develop local citizen advisory boards along the lines of the Tacoma CAB.

- o The original CAB chairperson, on the request of the court administrator, undertook a review of court administrative programs and the administrator's role and functions.

- o In December 1979 the court administrator presented the Tacoma CAB experience to a national conference on courts and the community, sponsored by the Institute for Court Management and held in Denver.

The foregoing description and review reflects a significant initiative by a misdemeanor court to attempt to involve citizens in meaningful ways to facilitate court purposes and effectiveness. In part, the board defined its objectives and projects and sought to carry them out, encountering certain but clear opposition from one presiding judge; in part, the court sought to fashion board activities consonant with certain court interests, arousing overt board member opposition on some issues. From time to time, it was necessary for the board and court officials to redefine the board's purposes and agenda. The board's freedom to chart its own directions appeared to depend upon the freedom or constraint granted or imposed upon it by a particular presiding judge. The CAB had to cope with the challenge of dealing with high status professionals, judges, on judicial turf; this appeared to add both significant complexities and greater importance to the board's functions. Elected judges, such as the judges of District Court #1, would seem to retain closer ties to the community and experience less isolation from the community than appointive judges. Accordingly, it would appear that elected judge courts would have less need for a citizen advisory board than appointed judge courts, at least from a reduction in isolation from the community perspective, but may have more interest in establishing such a board because dependence on the vote increases their interest in public relationships. In any event, a court's decision

to establish such a board involves a philosophical and energy commitment and invokes both political risks and opportunities.

In summary, it seems fair to observe that the Tacoma CAB can point to certain achievements, none of them startling, but when taken together represent a useful contribution from citizens to a low-status court. Probably, few Pierce County citizens know of the board's existence; however, the judges certainly do, the probation department does, and the Board of County Commissioners does. In Tacoma, these groups have become somewhat more accountable to representatives of the public. The court's operational procedures, problems, and personnel are better known and understood to a wider interest group. Still, the board made only limited headway in achieving its goals or the court's objectives for it during the course of the demonstration. The CAB had obtained a "more realistic picture of the criminal justice system"; the courtroom observation and speakers bureau projects, if actualized, would provide the judges with information concerning "what the public finds unfair and unjust about the system".

(2) Community Resource Brokerage (CRB). CRB was given high implementation priority; yet it was only partially implemented. The reasons for this are complex and include the history of relations between previous probation directors, the probation staff, and various judges on the court, as well as the nature and objectives of CRB reorganization. The probation director, recruited from another state, had fully supported the CRB construct and had sought to implement this aggressively.

CRB training was provided by the project and was conducted in August 1977 by a consultant who had assisted with the implementation of community resource management teams in a number of correctional agencies in a project sponsored by the Western Interstate Commission for Higher Education (WICHE). The entire probation staff, including secretaries, attended the sessions where they participated in an informal assessment of Pierce County probationer needs, caseload

characteristics, and community services availability. The theoretical construct of CRB was discussed, with the suggestion that staff members' caseloads be integrated (at least in part) into the community's social services network. Preliminary consideration was given to techniques for establishing knowledge of this network and using it more effectively.

Staff members identified several dozen problems anticipated in the implementation of CRB and ranked them according to priority. The six most serious problems anticipated, in order of seriousness, were: teamwork, need for secretarial management expertise, apprising judges of new directions, additional training, timing of the changeover, and adjusting to a new system. The consultant suggested that the sixth priority would rapidly become the first.

The training also focused on team building and individual concerns regarding teamwork. This led to the development of an action plan; individual staff members accepted responsibility for particular tasks that needed to be accomplished prior to instituting brokerage, and completion dates for each task were established. Certain resistance was converted to positive participation.

The consultant was employed independently by the probation department three months later to work with the staff in refining the plan and in team building. Ultimately, an implementation plan was agreed upon which assigned additional responsibilities and established time frames. The change-over date was delayed until the completion of the final task.

Discovering the nature of client needs was among the first steps. Accordingly, staff members completed needs assessment forms for all 530 active cases (see Appendix III-D). This assessment was based on client needs as of the time of entry onto probation.

The three most pressing service needs determined were:

- employment;
- alcohol services; and,



-vocational training.

All of the other needs ranked quite low. The staff was surprised that only thirty-two probationers showed a need for drug abuse services and only thirty-eight probationers appeared to need mental health services. The needs assessment process resulted in the modification of the measurement chart which had been supplied by the project consultant. As an example, the category that reflects unemployment may not indicate a real need. The probationer may be an unemployed housewife who is not seeking a job. Further, staff suggested special examination of military personnel probationers and a review of various services available on the Fort Lewis base.

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The originally-determined team specialization assignments, were later modified, based on needs assessment findings, staff interests, and organizational needs. In particular, staff feared that totally pooling clients onto a team-load together with a fundamental reliance on brokerage would harm a significant number of clients who they felt required counseling from a probation officer. Consequently, staff suggested organizing the entire office under the CRB approach but also to retain smaller individual caseloads. The staff developed a concept, Partners in Probation Progress (PIPP), which referred to two-person teams to cover the following areas:

- employment and education;
- alcohol abuse and physical health; and,
- drug abuse and mental health.

A fourth unit, to cover housing, transportation, financial assistance, and legal problems, was to be comprised of one probation officer and several volunteers. Probation officers also would be assigned a lessoften needed secondary

\*The original teams were: employment, vocational training, and academic training (one counselor); alcohol and drug abuse, and mental health (four counselors); and transportation, financial assistance, housing, legal problems, and physical health (one counselor).

specialization. The PIPP concept would enable one team person to be available at all times in the office.

Staff began developing a new intake approach and intake guidelines based on models initiated by probation agencies that had been part of the WICHE demonstration project, and determined the optimum time to conduct an initial needs assessment (after the first or second probation officer interview). Staff also designed a referral sheet with a list to be checked and signed by the judge following an assignment to the probation department. PIPP teams were to phase in as readily as practicable; the deadline for the complete conversion was May 12, 1978. For reasons explained below, however, full CRB implementation was not completed.

The "straight team" model, which would have provided primary and secondary staff specializations and a wholly-pooled caseload, did not prove viable in Pierce County because of the distribution of client needs there. Nearly 70 percent of the clients had alcohol-related problems. Under a strict team model, the alcohol specialist would have handled 70 percent of the cases, or 70 percent of the counselors would have had to become alcohol specialists. The former would have resulted in a highly unequal distribution of work within the office; the latter would have defeated the purpose of specialization for there would have been, in effect, only one specialization.

Initial team assignments brought out certain staff jealousies and discontent, hampering project viability. One counselor was upset that the director appointed someone else to head the alcohol team; she felt that she was the acknowledged alcohol expert on staff. Another was upset that he was appointed to the employment and education team because he desired to create and fill a new role as diagnostician.

The structure of client needs and discontent over teams assignments impeded development of the "PIPP" concept described above. The design of CRB did not

eliminate several other administrative problems which were perceived by the probation staff. Counselors criticized the increase in paperwork necessitated by the adoption of brokerage, particularly the needs assessment form and the quarterly report. Further, the needs categories defined were depicted as too vague and not comprehensive.

Quarterly reports were to be written in order to provide a narrative summary on each client for other team members. The director believed such a report was necessary because, under the proposed organization, teams would pool caseloads, each client being handled by several staff members and intimately known by none of them. The quarterly reports were objected to as being no better than chronological reports already kept, time-consuming to write, and requiring too much secretarial effort to type. Further, some staff members suggested that there were too few community services and many of those which existed were too ineffective to utilize. Other staff and the probation director disagreed. Tacoma, they suggested, had more than enough agencies. While some programs, they agreed, were of poor quality, they felt that dialogue with those agencies would improve programs.

Implementation served to heighten and intensify existing conflicts among the judges of District Court #1, the county board, the director of the probation department, and the probation department staff. In turn, escalating conflict hampered implementation efforts and further contributed to staff frustration.

Described more fully in the accompanying volume's chapter on planned change, CRB implementation exacerbated tensions between the probation director and the probation staff. It heightened conflicts which were related to the probation director's personal and management style, to the imposition of too comprehensive and too rapid changes in the department's organization and service delivery approach, and, probably, to probation officers' resistance to relinquishing their caseloads.

Three other factors may have contributed to the deterioration of staff morale. One was the reported attempt by the judge most resistant to CRP to influence the Board of County Commissioners to reduce the probation staff by two positions. This perceived threat to the department required the director to develop political support for retaining the positions. The development of political support detracted from the time the director could devote to implementation.

Second, local sources reported that the split that existed between the director and one of his previous rivals for the directorship over the desirability of brokerage became more distinct. Reportedly, this counselor became a critic of CRB and the director within the staff. This counselor's criticism struck responsive chords with other counselors. Collective criticism grew in response to the counselor's leadership and the progression of the implementation effort. In addition, this counselor apparently considered that the support of the resistant judge could be relied upon.

Finally, conflict between the director and staff escalated to the point that charges of professional misconduct were levied by certain probation staff members against the director. These charges were made to the county personnel department, the prosecutor's office, the district court, the county commissioners, and project staff. The presiding judge of the court investigated the charges and found them groundless.

Nevertheless, in early January 1978, at the request of the presiding judge, a meeting was held between probation staff and the judges to allow the staff to formally air its grievances against the director. While the presiding judge viewed "clearing the air" as the purpose of this meeting, its major effect was to further demoralize the probation director. He considered that the judges' failure to clearly advise the staff that he was responsible for administration and policy making within the department made it impossible for him to carry out his duties effectively.

The probation director, shortly after, resigned his directorship effective March 13, 1978. He accepted a training position with a Washington state agency.

Named interim director, and later appointed as permanent probation director, was the assistant administrator of the El Cid adult diversion program, a retired military official who after his retirement had obtained a graduate degree in the counseling and guidance field. In the selection process, he had vouched his commitment to support the CRP package to the CAB screening committee. A realist, keenly aware of the need to develop compatible working relationships with both the probation staff and the judges, he discontinued any plans or thoughts about department reorganization along PIPP or pooled teamload lines, but embraced staff specialization, increased brokerage, and an advocacy role for the department. He nurtured staff morale, facilitated the resignation of a long-term probation officer whose work product and cooperative attitude were not outstanding, and did not hesitate to depreciate the administration of his predecessor to a receptive staff. In a very tight local fiscal situation, he perceived that enhanced brokerage could enable the department to do more for probationers without staff expansion. This same view also supported his interest in a selective use of volunteers.

Over time, all but the newest probation officer received designation as specialists in given needs areas or functions: alcohol services, drug abuse services, employment/education services, mental health services, volunteer services, and CSR. No back-up specializations were designated, except that the officer who was later to become the mental health specialist acted for a period of time in a CSR back-up role. What evolved appeared extremely viable for this department, but was far short of the pure CRB model initially projected. The effectuated approach retained caseloads but added staff specializations. This mode may be valuable to other probation agencies. The specialist is not the brokering agent for all department cases of a particular type which need referral to

outside agencies. Rather, the specialist is to have extensive working knowledge and working relationships with these particular type agencies. The specialist, then, is the in-house staff expert on a particular type of service arena, and is to make this information known to the other probation officers in order to enhance the success of their brokerage with these particular agencies. The specialization is to include knowledge of public and non-profit sector services as well as private practitioner resources, the quality of the services available, who may or may not be benefited from referral, the detailed nature of the referral process, how to obtain particularized feedback on whether the client was served or failed to accept service, and the particular problems which might be experienced in obtaining cooperation from external services. The specialists were to visit the agencies in their particular field. They were to advise their colleagues of new resources and of terminated or reduced services within their particular program area. They were to advise the probation director of service or cooperation deficiencies, and, in collaboration with the director, work out advocacy strategies to obtain improved services.

Staff specialties were based on prior training and professional backgrounds, as well as current interests. Staff members appeared to enjoy this form of specialization; they were not only probation officers but also functional area specialists. Also, they remained generalists in that their caseloads were diversified, although all had a high frequency of alcohol-related probationers because of the nature of the agency's caseload.

However, two functional specialties had different objectives: one officer was exclusively responsible for obtaining all agency volunteers and another for making all CSR placements. All staff requests for volunteer assistance are reviewed with the probation officer-volunteer coordinator who seeks out volunteers through existing community volunteer organizations. Probationers ordered to fulfill community service hours are assigned to the caseloads of all probation

officers but are all screened and assigned to CSR placements by the probation officer-CSR specialist. To enable the CSR specialist to develop and maintain working relationships with CSR placement agencies, her regular caseload was reduced to 50 percent of normal through attrition without replacement. Further, her caseload has become a specialized one consisting exclusively of probationers who have been assigned to CSR. Additionally, she is responsible for arranging and monitoring CSR placements for defendants who are not sentenced to probation, but are sentenced to complete CSR hours.

Following on with the department's approach to increased brokerage, the director convinced the judiciary to send all cases to the probation department that had been ordered to attend the alcohol information school, thereby replacing the judiciary's erratic practice of doing its own direct referral on occasions and other times sending such referrals through the department. The judiciary has stated that it satisfied that the department's monitoring of all persons referred to the alcohol information school is advantageous.

Brokerage data gathered for this project reveal, not unexpectedly, that the primary community agencies brokered to are those that provide a variety of alcohol-related services. The department's alcohol specialist was appointed to membership on the Alcohol Planning Commission. A new agency report-back form, designed by the probation department, provides information feedback on referrals. To some degree, the probation director and staff see themselves as advocates for improved services. Acting on information from the mental health specialist that a mental health agency was resistant to serving probationers, the probation director set forth a plan to bring this fact to the attention of the funding body when this agency next came up for a budget allocation. When another agency failed to maintain a suitable level of service to probationers it had accepted for service, the probation director brought this to the attention of community officials.

Project staff, in early 1979, made a deliberate effort to have the Tacoma brokerage approach expanded in substantial ways: toward resurrecting the needs assessment; toward reconsideration of pooled teamloads; toward a more basic abandonment of individual caseloads; toward any further approach that the probation director thought would mesh with what could be accomplished by his staff. Extensive information on CRB evaluations in other communities was furnished to the probation director and presiding judge. The probation director was requested to submit a proposed plan to carry brokerage further. This was not done.

In summary, what had been accomplished was as far as the director wished to take the approach at that time. Nonetheless, the director, gradually, is reducing the direct services provided by his staff. He views a continuing reduction of direct service provision, in combination with increased brokerage, as a rational approach to dealing with a caseload which began increasing toward the end of the demonstration project, with the increasing number of presentence reports which occurred about the same time, and with a tight budget.

Pure model CRBs have not been implemented easily (Western Interstate Commission for Higher Education, 1978a), although there has been strong success in some communities (Western Interstate Commission for Higher Education, 1978b). The Tacoma caseloads are not as high as those characterizing many misdemeanor probation agencies, and the CRB approach which evolved in that department can be viewed as a useful and practical approach. Elsewhere in the country, there is greater realization that more brokerage and more effective brokerage must or should be done to comport with budgetary and personnel restrictions and the inability of individual probation officers to be all things to all clients (for example, the South Dakota misdemeanor probation program that began in 1978 was founded on a brokerage approach and has reported its viability even in a rural state). The prospect for CRB remains strong, particularly for misdemeanor probation. It has become the primary model, or has been integrated in some system-



atized form, in a growing number of probation agencies. The increased use of external agencies in Tacoma appears to have enhanced the visibility and advocacy functions of the probation department, consistent with CRB objectives.

3) Community Service Restitution (CSR). CSR implementation involved three initial steps. First, a coordinator was appointed from among the staff. Second, insurance covering CSR was procured to protect both the county and the misdemeanor offender. Finally, guidelines were developed to operationalize the component.

Each step required time. While a probation counselor was designated CSR coordinator in November 1977, the requirements of her existing supervision caseload precluded her from allocating sufficient time to CSR implementation. This delayed insurance procurement and more extensive contact with community agencies. In response to this problem, the director assumed responsibility for insurance procurement, and later restricted the coordinator's caseload to give her more time to devote to CSR. The director utilized a CETA employee in developing preliminary CSR guidelines, as an aid to obtaining the insurance and to facilitate program implementation. These guidelines required two months to draft. During this period, the literature was surveyed; the experience with restitution in Pierce County and other Washington jurisdictions were assessed; and community agencies were contacted and consulted.

To gain review and support for the program, the probation department held open hearings (publicized in local newspapers and by announcement to community agencies). Community agencies were solicited to provide input. The program was also explained to the judges of Tacoma Municipal Court, the Director of the (County) Department of Assigned Counsel, the county prosecutor, and the county commissioners. The tentative plan, also, was submitted to the CAB for critique.

While these steps were being taken, CSR was experimented with in order to provide test-run experience with its operation. In 1977, 1,076 community service

hours were served in Pierce County, providing a base of experience from which to draft and refine guidelines (Pierce County Probation Department, 1977). Insurance was procured from a private company in January 1978. Final draft CSR guidelines were approved by the county commissioners on February 7, 1978. The program, named Alternative Community Service, became operational on March 1, 1978. (see Appendix III-E for project statement and procedures).

The program operates as follows. The judge sentencing a misdemeanor to perform community service sets the number of hours according to established conversion tables from fines or jail time. It was decided that sentences, preferably, should range from twenty-four to one hundred hours, and should not exceed two hundred hours. Defendants could be assigned community service hours as a sentence in itself, or be required to work these hours in conjunction with a sentence to probation.

After sentencing, the client makes his first of three CSR-related visits to the probation department. At this visit, he fills out forms providing information on skills, interests, current address and phone, medical condition, and employment situation. The program coordinator informs the client of the five dollar fee he will be assessed to help offset the insurance policy charge (during the early operations of the project, hardship waivers of the fee were authorized; later, fee waivers were abandoned due to the belief that the fee was small and its payment furthered the offender's commitment to complete CSR satisfactorily). The types of CSR placements that are available are reviewed and the client indicates his interest or disinterest in particular tasks and agencies. The second appointment is scheduled.

Between the first and second client visits, the program coordinator obtains the client's arrest record. On the basis of this information and the background information and work preferences provided by the client at the first visit, the coordinator contacts appropriate agencies for possible placement.

On the second visit, the client pays the insurance fee and chooses one of the alternative placements. The client then calls the agency and makes an appointment with the agency director. The coordinator sets the completion date for the assigned service. After signing an agreement to abide by the regulations of the program, the client proceeds to the agency with a referral form which explains the rights of the agency. He also gives the agency a time card which is to be filled out by the agency upon the client's completion of service.

The program coordinator then awaits a call from the agency to indicate that:

- the client was accepted as a volunteer; or
- the client was not accepted as a volunteer, and why; or
- the client did not appear for his appointment.

If the client is not accepted, the coordinator attempts to secure another placement. If the client does not appear, the coordinator summons him to a conference at the probation department. When the client does not cooperate with the program, the coordinator can file a violation report with the court. The coordinator monitors a client's service by periodically phoning the agency for progress reports and to verify the completion date of the assignment.

When service hours are completed, the volunteer brings the completion card back to the probation department; this is the third CSR-related visit. If the client fails to return his card, the coordinator will contact him and remind him to return it. If the service hours are not completed within the designated time period or a renegotiated time frame, the client may be reported to the court for failure to complete the program.

It was observation of project implementation staff that no serious problems were experienced in getting CSR operative, other than the delay involved in obtaining insurance to protect the county and the offender in the event of a liability or injury claim. The test runs of CSR had been positive in the main, the procedures designed under the supervision of the initial probation director were

comprehensive and comprehensible, the probation officer assigned to the coordination role was extremely interested in this position and held a strong commitment to its success, no opposition was offered by either prosecution or defense counsel, and the program's purpose and approach was accepted as responsive to present public and professional concerns regarding crime and judicial system sanctions.

It was the misdemeanor court and its probation arm which had taken the initiative in developing a CSR program in this community. Three other agencies were to follow suit: a juvenile diversion agency and the juvenile probation department, both acting under mandates of new Washington juvenile legislation which took effect July 1, 1978, and the state felony probation agency. Although the misdemeanor probation agency and the CAB initiated an attempt to convene a coordination conference with the other agencies and their respective judiciaries, the meeting was never accomplished.

The CSR coordinator had lined up a number of public and private agencies to assist with this program, with additional agencies added from time to time. By July 1978 approximately fifty persons had completed or were engaged in CSR. By January 1979 more than thirty-five agencies had been utilized in the program. By March 1979 more than five thousand service hours had been completed, referrals to CSR averaging twenty to twenty-five a month. While some assignments were menial (police car washing, packing medical supplies for an international medical mission), others utilized special skills possessed by the offender (a carpenter building picnic tables for a community park, an ophthalmologist providing eye examination to social agency clients and Vietnamese refugees).

The CSR coordinator was assisted by a back-up probation officer in making CSR assignments, but later was to use two volunteers when the second probation officer was assigned to the mental health specialty. There were constant problems for the coordinator in interpreting to CSR agencies that she represented

the misdemeanor agency as distinguished from the two juvenile agencies and the adult felony department. Reportedly, there was some community agency preference to accept misdemeanants since they did not pose certain of the management and reliability problems associated with juveniles, and their utilization appeared less risky than with felony probationers. The competition for placements did pose a selection problem, the coordinator at one time advising the judges they were referring mostly indigents to her: "Some of them may cost us agency placements; please send me some 'winners'." Referring "winners" to agencies the first time an agency was used was a preferred tactic for the coordinator. A successful placement, the first time an agency was used, could buffer a subsequent "loser" placement and facilitate the agency's continuing interest in this program. The coordinator made a number of public presentations to agency and community groups in the continuing quest for additional CSR placements, again reflecting an advocacy role on the part of the probation department.

As described earlier, four probation or diversion agencies in time provided CSR programs in this county. This fact triggered the misdemeanor probation department's inquiry into the viability of all four CSR placement organizations brokering all CSR clients through a United Way coordinator to the external agencies. This effort was stymied by a lack of United Way funding for the added personnel necessary to effectuate this scheme.

As described in the research review of CSR in the companion volume, judges utilized CSR in different ways: as a jail substitute, as a partial jail substitute, as a substitute for a fine, as a probation supplement, as a probation substitute, and as a substitute for a lengthy essay on "What I learned from the apprehension-court experience". The initiative for CSR sentences came from the judges, prosecutors, and defense counsel, as well as from probation officers as part of presentence reports.

Interviews with judges as well as the data which were collected revealed

that more than is desirable, unemployed and under-employed persons had an increased likelihood of assignment to CSR than fully-employed persons. Sentences to CSR were more likely with criminal misdemeanants, with other than driving while under the influence traffic offenders, with persons not employed full time, and with younger defendants. Only with certain middle or upperclass juvenile traffic offenders did judges deliberately use CSR with persons well able to and preferring to pay a fine, believing CSR would have more impact on the offender than an easily paid fine. The presence of a significant percentage of court defendants who came from professional or managerial ranks, were skilled craftspersons, or had white-collar or military employment could have provided a number of "winners" to the CSR project. Yet, these persons were less likely to be assigned CSR hours. All judges, including judges of the Tacoma Municipal Court and "pro tem" judges, lawyers appointed by District Court #1 judges to serve in their absences, made regular use of the program.

A questionnaire directed to agencies utilizing CSR referrals indicated basic satisfaction with the offenders' reliability and work performance and with probation department collaboration. Four agencies reported hiring offenders subsequent to the CSR experience for part-time or full-time work. Three agencies reported that offenders had stayed on to continue as volunteers subsequent to the completion of the required hours. Approximately 75 percent of the agencies reported that offenders had gained some sense of accomplishment, although a significant number of these agencies reflected that the offenders had been bored or resentful about the experience. Toward the end of the demonstration period, one judge noted that at review hearings recognizing offenders' completion of CSR, defendants were "very proud" of what they had done.

In summary, at least for the present, CSR has been institutionalized as an important component of a misdemeanor probation agency program, and judges now have a new sentencing alternative available to them. The court and the probation

department have achieved increased integration with other community agencies. Isolation from the community has been reduced. The CSR program coordinator reported certain frustrations but not boredom in innovating and orchestrating this project. Despite some placement failures, the Pierce County community has been the beneficiary of thousands of "volunteer" hours provided to its community agencies. As is well known, many members of the general public have not seen probation counseling as an effective or sufficient corrective. Possibly, as the CSR program's requirements and results become better known to citizens, the public's perception of the local judicial system will improve.

4) Expanded Volunteer Services (EVS). EVS implementation was approached cautiously. During 1977, seven volunteers were recruited to provide experience from which guidelines could be developed and a program established. These volunteers performed traditional roles such as counseling and providing transportation. In assessing experience with these volunteers, both the probation director and the staff concluded that volunteers in quasi-counselor roles were undesirable because volunteers were not properly trained in counseling or therapy.

One staff member drafted proposed guidelines which the director felt required substantial revision. The task of revising the guidelines was delegated to the CETA program developer, to begin after his completion of CSR guidelines. Probation staff and staff members of community volunteer agencies were consulted to obtain their suggestions for EVS design. Probation staff suggested a work order scheme; volunteer coordinators offered to recruit and recommend volunteers, thereby avoiding a duplicitous recruitment structure. Also, university students would be utilized.

According to the revised plan, instead of obtaining volunteers and then allocating tasks to them, probation staff would determine the types of tasks for which they desired volunteer assistance, and then obtain an appropriate volunteer to perform the tasks. When a staff member desired volunteer assistance, he was

to draft a work order describing the tasks to be performed and what types of skills or interests would be needed. This work order would then be sent through the department's probation officer-volunteer specialist to one of the volunteer coordinators in the community (United Way or the County-City Volunteer Office). These volunteer coordinators would then draft a job description and search their volunteer pools for an appropriate person.

Both the probation director and the CAB chairman visualized CAB participation in the expanded utilization of volunteers through assisting in volunteer recruitment and role definition. They also considered that volunteers might be directly utilized by the CAB to perform research, for example. The probation department proceeded deliberately, experimenting before attempting to operationalize the program. The CETA employee was used to draft guidelines based on the experimental experience. This allowed a concentration of effort that a caseload-burdened counselor could not perform.

The probation officer-volunteer specialist performs an initial screening evaluation of volunteers sent to the probation department by central volunteer bureaus and by universities. Part of the screening interview consists of explaining in detail the nature of the work tasks to be performed. The screening includes an assessment of the potential volunteer's interest in the specific work tasks to be performed, and his or her apparent ability to perform these functions in an adequate manner. A second screening-orientation interview is conducted by the probation director.

In general, all probation staff including the director utilized a volunteer assistant, several of these officials utilizing two volunteers concurrently. Volunteers did not perform the function in common use elsewhere, of counseling probationers. Volunteers assisted the CSR coordinator in interviewing persons assigned by the court to CSR hours and in brokering their placements to specific agencies. At least one volunteer conducted presentence investigation studies



of defendants applying for probation, even presenting these reports to the court at sentencing hearings. One volunteer, a certified alcohol specialist, worked one day a week conducting alcohol abuse evaluations which earlier had been brokered to external community agencies, often with significant time lapses between the referral for evaluation and the return of the evaluation. This volunteer performed five such evaluations on her one volunteer day each week. The volunteer later accepted a paid position elsewhere and gave up her volunteer function. The probation officer-mental health specialist utilized one volunteer two days each week. The probation officer-volunteer specialist, also responsible for assigning new cases to the various staff members, utilized three different volunteers during 1979 to assist in the conduct of intake interviews, registering clients for the alcohol information school, then monitoring their attendance, and performing certain clerical functions. The drug abuse specialist used a volunteer, a university student in law enforcement, to investigate the whereabouts of clients who had failed to comply with probation reporting duties or with certain informational or legal requirements. The probation director also utilized volunteers, student management interns from the University of Puget Sound. These interns performed certain data collection functions, developed PERT charts, organized materials used for reports, and assisted in other administrative assistant roles. Staff secretaries, with very limited exception, obtained no volunteer assistance.

During November and December 1978, 201 volunteer hours were recorded. During January and February 1979, volunteer hours totaled 302. This figure increased to 350 for the combined months of March and April, and to 374 for May and June.

In summary, EVS, or what has come to be known as the Community Volunteer Service, was seen by the probation agency as a positive addition to its operations. The agency's interdependence with the community was increased, and

agency staff believed that services to the court and the community were expanded or made more effective or efficient. Yet, the undertaking of even a small and seemingly well-planned volunteer program, as in Tacoma, included certain "problems". The Tacoma probation director described these problems as "breaking them in" and "losing them". The orientation and in-service training and supervision of a volunteer requires time input from a probation officer. This is relative, of course, to the complexity of the tasks to be assigned and to what the volunteer brings to these tasks from his or her background and education. EVS experienced volunteers who stopped showing up, who obtained a job and terminated volunteering, or whose student course work had ended and volunteer termination followed. The Tacoma program was designed to minimize poor fits between volunteer and agency. However, while most volunteer performance was at least adequate, this was not always so.

#### Conclusions

The Tacoma experience in implementing CRP involved an attempt to obtain citizen input and assistance to a misdemeanor court and to reorganize and diversify the probation agency's service delivery. The CRP program resulted in changed working relationships and procedures. New programs or procedures frequently disrupted established working relationships, as occurred in Tacoma, although overt difficulties in judicial collaboration with the probation department, and among probation personnel had been evident there earlier. Each of the four program components required extra work on the part of judicial and probation personnel, time and energy expenditures over and above their day-to-day tasks, but work outputs that did serve to expand this court's relationship with its public and resulted in what officials considered to be court and probation agency gains. Certainly, not all goals were realized, some attainments were delayed, and other objectives, such as a full-scale CRB, were placed on the back burner, if not discarded.

During the project period, the CAB did not establish itself as a coherent or clearly effective entity. Its accomplishments appear to be modest. The CRB adaptation was a practical one for this setting: it fell far short of the originally proffered pure model form, but had become established and accepted. CSR experienced the fullest implementation. Its use as a jail substitute, however, was minimal, and its effect on individual offenders was not measured. EVS was developed in a pragmatic fashion to add a small number of volunteers in order to increase departmental capabilities. Yet, the Tacoma experience suggests some viability for each of these pieces and a value in the interrelationships between the pieces. Given a court or probation setting interested in the objectives of these components and willing to invest in the challenge of change in these directions, replication of the individual parts or of the entire CRP package would seem to offer certain benefits.

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## CHAPTER IV

### COMMUNITY RESOURCE PROGRAM IMPLEMENTATION IN THE TRAVIS COUNTY COURTS AT LAW, AUSTIN, TEXAS

#### Introduction

The demonstration of the Community Resource Program in Tacoma, Washington, described in Chapter III, continued most of two years. The second misdemeanor court into which the CRP was introduced was the Travis County Courts at Law, Austin, Texas. By design, project implementation in Austin was to extend for one year only, was to begin halfway through the Tacoma experience, and was to utilize experience derived in Tacoma as it might apply usefully to Austin. The description which follows reveals certain major differences in the implementation effort in these two jurisdictions.

In Austin, just two of the four components of the CRP were instituted despite the initial agreement of the authorities there to implement all four dimensions. A citizen advisory board and community service restitution were implemented in Austin; additionally, certain volunteers were recruited specially to assist with CSR implementation, a volunteer utilization which falls short of characterization as a full program component. Further, the institution of a CAB developed essentially as a short-term rather than as a long-term organization, was to target on one objective, namely CSR, rather than many objectives, and was to receive staffing assistance exclusively from the probation agency. Accordingly, the Austin approach offers an alternative model, one which appeared useful in Austin and may have utility elsewhere, and which involves the appointment of a CAB for a specific rather than a general purpose.

As in Tacoma, Institute for Court Management staff was responsible for the implementation process in Austin, while American Judicature Society staff was responsible for the research evaluation. CRP was initiated in Austin during the autumn of 1978; implementation efforts continued through the duration of the

project a year later. Prior to the selection of the Austin court, project staff had made several visits to that community to assess the interest of the judges, court administrator, the court's existing community advisory council, and probation leadership in CRP implementation.

#### A. Site Description

1. The court. Austin, the capital of Texas, is the county seat of Travis County. The city's population is estimated at 341,000 persons, and the county's at 410,000 persons. One hundred and twenty state government agencies are located there, and sixty-two federal agencies maintain regional offices in Travis County. Austin, also, is the site of the 44,000 student University of Texas; four smaller higher education institutions are located within the county. Also located here is Bergstrom Air Force Base. In addition to its large governmental and university employers, the county's economy includes numerous research and development centers and extensive light industry. The average household income within its standard metropolitan statistical area is estimated at \$18,685 annually.

A three-judge court, the Travis County Courts at Law maintains jurisdiction over limited amount civil claims and criminal misdemeanor offenses. During the four-year period 1975 through 1978, civil case filings totaled 35,939. Its civil caseload has grown substantially, along with its civil case backlog which increased by 4,700 cases during 1978. Its original case filings also have expanded. During 1978, criminal dispositions totaled 7,609. Theft by check accounts for 22 percent of criminal case filings; driving while under the influence (DWI) case filings represent 32 percent of criminal cases. Just two percent of case dispositions involve trials. Eighty-eight percent of DWI cases are resolved through plea.

The initiation of a court administrator position in 1977 led to certain court improvements:

-the design of a caseflow system to achieve compliance with state speedy

trial requirements;

-daily jail inmate monitoring;

-a semi-automated judicial calendar system;

-revised jury utilization procedures;

-a redesigned data processing system;

-collaboration with the bar to devise local rules of criminal and civil procedure; and,

-an inventory of pending cases and a rescheduling of these cases for dates and purposes certain.

2. The probation department. The Travis County Adult Probation Department is a long-standing agency whose director has filled this position for twenty years. Its services extend to adult misdemeanor (county courts at law) and felony offenders (district courts). Texas probation agencies are administered by the judiciary, and had been locally funded until September 1, 1978, when state funds were provided for the first time in accordance with the Texas Adult Probation Commission Act of 1977. The commission's nine members are appointed by the Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals, and include six district court judges and three citizens. Prior to the implementation of the Act, the Travis County Adult Probation Department, like adult probation agencies elsewhere in Texas, had depended on income from probation supervision fees for a significant amount of their budgets. Texas probationers are charged \$15.00 per month as a supervision fee, though this amount can be reduced or waived with judicial approval. Supervision fee income is now used to offset the amount of state subsidy provided by the Adult Probation Commission. The commission provides funding for all departmental expenses other than the costs of physical facilities, equipment, and utilities. A further objective of the Act is to expand community correction programs under local probation department auspices.

The Travis County Adult Probation Department budget for the twelve months beginning September 1, 1978, was \$1,472,456. Of this amount, approximately \$60,000 was provided by the county. For the fiscal year beginning September 1, 1979, this budget was \$1,647,003, with the county budgeted to contribute approximately \$74,000 for physical facilities, equipment, and utilities.

Prior to state aid, two probation officers, six probation officer assistants, and volunteers were responsible for an overall caseload of approximately 2,500 misdemeanants. Personnel expansion occurred with state aid; during 1979, nine misdemeanor probation teams, each consisting of a probation officer (PO), a probation officer assistant (POA), and a half-time probation officer clerical assistant (POCA), serviced this number of misdemeanor probationers. Thus, each PO, POA, and one-half POCA team served approximately 280 probationers. One full-time POCA serviced two probation teams.

The team concept is an important organizational strategy for the probation director. Probation officers hold the usual degrees in criminal justice, social welfare, or related social science curricula. Probation officer assistants are paraprofessional employees who lack bachelor degrees. The team approach affords certain group decision making, facilitates the combination of a man and woman team, encourages ethnic group representation on the teams, permits primary responsibility for individual case management to flow to the PO or POA depending on the particular rapport one of them is able to establish with a probationer, allows improved simultaneous coverage of office and field, enables greater continuity of supervision with a staff change or vacation, widens the number of hours each day that the office can be covered, and provides both a more economic and more diversified staffing approach.

Levels of supervision had to be instituted, according to Adult Probation Commission standards. A POCA is responsible for clerical work and for minimum supervision cases that report by mail and also appear for a brief office visit



every three months.

The department had significantly decentralized its services during 1978-79, establishing four branch offices. Each office housed separate misdemeanor and felony probation teams working under the immediate supervision of a branch supervisor.

The department also maintains twelve felony teams and employs felony presentence investigators who conduct regular long-form studies used with felony sentencing. While three misdemeanor probation staff attend plea and sentence hearings in the three county courts at law, their function, largely, is to review police and court records and advise judges whether defendants are eligible for probation under certain Texas statutes which had barred a new grant of probation if probation had been granted within the five previous years following an earlier offense of the same nature. These three officers perform certain supplementary functions such as filling in court-ordered probation conditions and handling probation revocation hearings, but do not prepare or present presentence investigations. The probation director, management staff, the training officer, the volunteer coordinator, and the presentence investigation staff are housed downtown in the annex building attached to the courthouse.

As of March 1, 1978, 2,482 misdemeanants were on probation compared with 2,485 felons. Approximately 200 misdemeanants receive probation sentences monthly. In general, they serve one year on probation. There is no procedure for early termination of probationers who have complied with requirements and are low risk.

Driving while under the influence cases represent an important part of the misdemeanor probation caseload. There has been significant brokering of alcohol-related cases to alcohol information and defensive driving schools; other community agencies are used from time to time to assist probationers. Branch offices are open four nights a week, and volunteers are assigned to each team to provide

supplementary office interviewing assistance and clerical help.

3. Prior use of citizen advisory groups by the court and probation department. This court and probation agency had utilized citizen advisory assistance in three forms prior to the introduction of CRP.

a. Community Advisory Council. The presiding judge of the court, in February 1977, had formed a community advisory council composed of representatives of criminal justice agencies and nineteen public members pursuant to a recommendation contained in Standard 9.6 of the Courts volume of the 1973 Report of the National Advisory Commission on Criminal Justice Standards and Goals. The council, reportedly, had been useful in obtaining broadly-based support for new court procedures with criminal cases. The council had met, apparently, on only two occasions, but its public members subsequently were invoked by the presiding judge for special ad hoc purposes. The group was used to influence the continued funding of an LEAA grant which had launched a trial court administrator position in April 1977. At the presiding judge's behest, the public members also had met with the county prosecutor to encourage prosecutor screening of misdemeanor cases. The public members were representative of low-income, minority, business, professional, university, religious, and public interest groups.

The initial CRP implementation strategy explored the interest of this group in re-forming itself into a CAB, to meet on a regular basis, to define a broad agenda similar to the Tacoma CAB, and to facilitate CRP implementation. Such a redesign was attractive to the eight or nine public members who met with project staff on two occasions prior to selection of the Austin court. Yet, further exploration and evaluation suggested, later, that such a redesign not take place, but that a new citizen board be appointed to assist in achieving project goals.

The primary reason for this was that the existing advisory council was seen by the other two judges, by the public members themselves, and by other criminal justice system agents as the rather personal instrument of the presiding judge.

Its members were all friendly with this judge, had been supportive of the judge's election success, and though it had its own chairman, nonetheless had acted at the direction and on the agenda of the presiding judge. Also reorganization of the board would have been necessary to obtain more proactive leadership and the addition of new members willing to commit a more considerable amount of time needed with the broader CRP objectives.

b. Adult Probation Department Citizen Advisory Commission, 1968-73. This commission had been utilized as part of a grant project that expanded the Travis County Adult Probation Department's work into four or five surrounding counties which, at the time, lacked adult probation services. The successful demonstration of these services in the adjacent counties had resulted in the creation of local probation departments, enabling the Travis County agency to withdraw to its own county line. The advisory commission was disbanded, although the probation director stated his regret that he had not continued the commission to achieve other goals.

c. The Advisory Council to the Adult Probation Department Volunteer Program. The Travis County Adult Probation Department had established an extensive volunteer service using approximately 115 citizens to enrich services to probationers in a variety of ways. From its bank of volunteers, an advisory council to the volunteer program had been formed. However, the council was inactive at the time of CRP implementation. The department had achieved national recognition for its overall volunteer project. A full-time volunteer coordinator, initially grant funded, had been absorbed into the agency's ongoing budget.

4. Attitude of judges regarding the CRP components.

a. Citizen Advisory Board. While all three judges indicated interest in and support for a CAB, the presiding judge was the most enthusiastic. This judge had formed the community advisory council earlier and had continued to utilize its public members. The judge was experienced in generating citizen support and involve-

ment in advancing several court advancement projects and was interested in maintaining relationships with the public members and in including new public members in court advisory roles. This presiding judge was strongly supportive of additional projects a citizen group might undertake to enhance the court's functioning.

A second judge was broadly interested in the use of citizens to assist the court, yet was reserved about the concept. Part of this reserve, as well as the skepticism of the third judge, may have been due to the fact that they had not substantially shared in the presiding judge's creation or utilization of the community advisory council. There was no annual rotation of presiding judges in Austin as there was in Tacoma. This fact may have influenced a certain apathy on the part of the non-presiding judges concerning the project, there being no predictable expectation when one or the other of them might become the presiding judge. The second judge could be characterized as being somewhat interested in a CAB.

The third judge, while mildly skeptical of the value of a CAB to the overall court, was not opposed to the concept. This judge acknowledged that citizen involvement could be beneficial to the court, but did not offer any widespread input to the project.

b. Probation components. The judges had virtually no contact with the probation administration. Under Texas law, the adult probation director reports to the presiding judge of the district court, the general trial court. The director's responsibility, first and foremost, is to the felony court. He has no obligation to work under the policy directives of the presiding judge of the county courts at law. In this context, as well, the hierarchy of the Texas judiciary is clear. Extensive but less comprehensive services are furnished to the county courts at law in Travis County; presentence reports are not furnished to lower court judges; caseloads are higher for misdemeanor probation staff.

County courts at law judges, not used to impacting on probation department policy or on service priorities, appeared to believe that the CRP project would prove utilitarian to them if their court could be the beneficiary of added probation services. The judges readily understood CSR, having learned of this approach from judicial conferences, professional journal articles, and through the daily press. They had only limited understanding as to how probation services were presently delivered or of what values might inure from more systematic resource brokerage.

#### B. Description and Analysis of Implementation of Citizen Advisory Board and Community Service Restitution

The key agency for implementation in Austin was the adult probation department, while the key implementing agency in Tacoma had been the court and its administrator. The Austin court administrator had not achieved the strong leadership position which the Tacoma administrator had, and was in the process of resigning his position. Due to this, and due to a negotiated decision with the presiding judge to organize a new CAB rather than reorganize the existing community advisory council, the adult probation department accepted responsibility for organizing and providing support services to the new CAB. The probation director designated the volunteer coordinator for this function. The volunteer coordinator obtained nominations from the three judges and the probation department. The volunteer coordinator, having extensive contacts with community agencies and with present and past citizen volunteers, played a significant role with CAB invitations. The presiding judge was the most active among the three judges in suggesting names. Twenty-four persons accepted appointments, made by the three judges, to the initial board. This included three members of the pre-existing community advisory council and three present volunteers for the adult probation department.

Initial membership on the CAB included:

- two assistant county attorneys;

- a probation department volunteer and active member of the League of Women Voters;
- the director of social services at the housing authority;
- the coordinator for the Voluntary Action Center;
- a professor of Law, University of Texas;
- a citizen and member of the court's community advisory council;
- an attorney and member of the Chamber of Commerce;
- a law student and chairperson for CURE (Citizens United for the Rehabilitation of Errants);
- a University of Texas psychologist and probation department volunteer;
- a state legislator;
- an official of the state education agency;
- a criminal defense attorney;
- a radio station employee and member of the Chamber of Commerce;
- a staff member of the Texas Youth Council and probation department volunteer;
- a Baptist minister;
- an assistant chief, Austin Police Department;
- a management trainer and CURE volunteer;
- the director of a veterans' outreach program;
- a counsellor, Texas Rehabilitation Commission;
- the staff director of CURE;
- a citizen and member of the court's community advisory council;
- a citizen; and,
- a priest and member of the court's community advisory council.

All but one member attended the first meeting on November 14, 1978, which was addressed by the presiding judge who introduced the project and stated the court's expectations for the board, including assistance in implementing all four CRP components. The presiding judge invited the board to be open and straight-

forward with judges. It was determined that a broad orientation to the court and misdemeanor criminal justice system should be the focus of the second meeting. This took place November 28, 1978. Three CAB members (a police, prosecution, and private defense attorney member) and a representative of the probation department described the criminal justice process from arrest to probation. It was explained, for example, that about 95 percent of cases result in a negotiated plea of guilty, that prosecutors recommend sentences and judges generally accept prosecutor recommendations, and that "99.9 out of 100 persons will get probation if they are eligible." There are no public defenders; the overwhelming percentage of defendants are represented by private counsel who are paid, generally, by the defendant. Appointment of private counsel for indigent defendants is infrequent, and when done, attorney costs are assessed against the defendant. Defendants are fined somewhat heavily, pay court costs, may have paid a commercial bail bond fee, may be ordered to pay money restitution to the victim, and are charged probation supervision fees of \$15.00 per month. The defense attorney stated that he and his colleagues would not want their clients to have to pay the traditional fine and restitution and "do community service on top of that". He indicated the board would have to provide defense attorneys with information on CSR, including its apparent benefits, to obtain their support. The probation officer mentioned that presentence investigations are not conducted in this court, suggesting that the use of CSR would be a result of plea bargains rather than probation department recommendations.

The board directed that the probation department volunteer coordinator name a nominating committee for board officers, and convene certain members to develop a list of major tasks to be considered by the CAB.

At the third meeting, two weeks later, the board accepted the nominating committee report and elected as co-chairpersons the University of Texas law professor and psychologist. The members who had met in the interim called for the

appointment of five ongoing committees to consider the five tasks they considered required addressing: to interpret the project to criminal justice agencies, attorneys, and community groups; to determine how the court would use the project; to obtain written CSR agreements from various agencies; to study the need for CSR liability insurance; and to recruit volunteers to facilitate project implementation. The director of the adult probation department addressed the CAB, emphasizing in his remarks certain issues which needed to be resolved concerning community service restitution. He invited members to attend a staff training session on community resource brokerage, to be conducted December 18-19 by the projects consultant from the Western Interstate Commission for Higher Education. The co-chairperson psychologist distributed questionnaires to members to select their committee preferences.

At the staff training session, the project's CRB consultant noticed that the probation director appeared very uncertain about CRB implementation, and seemed to prefer to continue utilizing referrals to external agencies in a fashion similar to what had been done in the past.

The probation director clarified, subsequently, that he wished to proceed exclusively with CSR development at this time. This decision, together with the fact that the CAB report had focused only on the tasks to be performed in relationship to CSR implementation, resulted in the CAB advancing with an exclusive objective to implement CSR. Project staff, aware that the effort to orchestrate a full-scale CRP in Tacoma had overtaxed probation staff resources and heightened latent staff-director conflicts there, did not oppose the prioritization of CSR as a CAB objective. Efforts to interest the probation director in CRB at subsequent stages of this project failed to elicit support. An expanded volunteer services component also became lost as the CAB and the probation department became singularly identified with implementing CSR.

The CAB continued to meet bi-weekly, though with a somewhat diminished



attendance. The illness of the co-chairperson psychologist required her resignation, though months later she was to rejoin CAB as a member. The new co-chairperson was the individual active with the League of Women Voters and also an adult probation department volunteer. The co-chairperson law professor carried extensive responsibility in drafting and redrafting a CAB statement concerning CSR objectives and procedures. (See Appendix IV-A). The Austin CAB drew heavily on materials developed in Tacoma. It adopted the Tacoma \$3.00 per hour for fines and four hours per day for jail time equivalencies, and the twenty-four hour to two hundred hour minimum and maximum service guideline. The board recommended a concentration on CSR utilization as a condition of probation, though it supported its use, as well, as a condition of deferred prosecution or as a condition of deferred sentencing. The board was aware that CSR utilization as a condition of probation was the use most acceptable to the local legal culture. The board policy and procedure statement also recognized that most CSR assignments would be incident to the strong Austin plea bargaining practice, and that consistent with other prevailing approaches in that court, judges should specify CSR hours, the name of the community agency, and even the name of the supervising official at this agency.

Accordingly, the caseflow of the CSR process in Austin was to differ significantly from that in Tacoma where the judge assigned an individual to CSR, specifying the number of hours, but following the defendant's visit to the probation office, the CSR coordinator screened the individual and connected him or her with the particular community placement agency. In Austin, unlike Tacoma, judges did not initiate CSR consideration. Rather, it was to result from a plea bargain, probation staff would then evaluate defendant's interest and potential for successful CSR (some cases were rejected), and the chief county attorney's ratification was required for all plea bargains involving CSR. This last requirement of the process, a prerequisite of this chief prosecutor's approval, was to

further impede defense counsel interest in CSR. Other Austin plea bargains could be approved by an assistant county attorney. Defense attorneys preferred to deal with the assistant county attorneys, not the chief. Also, all Austin CSR assignments accompanied a decree of probation status; in Tacoma, CSR was ordered with or without probation (see Table One for comparisons between these two CSR projects).

The probation department volunteer coordinator, responsible for CAB, arranged the addition to the board of another defense attorney who directed the misdemeanor section of a prominent criminal defense law firm. In February 1979 the coordinator was promoted to a department supervisory position and her replacement as volunteer coordinator took on responsibility for the CAB. The probation director also had designated a senior misdemeanor court officer as responsible for the probation side of CSR implementation. This individual, a former high school principal and highly regarded person in the local court and criminal justice community, initiated a small number of experimental CSR arrangements to test out procedures and placements. Mostly welfare fraud cases were utilized; CSR hours were performed at the Salvation Army, NAACP, the housing authority, and a church where the defendant was already a summer sports volunteer but was to continue these activities for the balance of the year.

The CAB was to disregard its earlier expressed interest in working through committees, to instead work exclusively as a committee of the whole. Its interest in exploring the liability issue, which in Tacoma had resulted in the purchase of an insurance policy and the assessment of a \$5.00 fee to CSR participants, was sidestepped after limited investigation. The new court administrator employed by the court had attended one of the workshops conducted in a preliminary phase of this project in which the initial CRP concept had been projected, analyzed, and refined. She was to provide assistance to CAB-CSR implementation, though the primary staff roles continued with the probation department. In

TABLE ONE

## Comparative Community Service Restitution Programs

	Pierce County District Court #1 Tacoma, Washington	Travis County Courts at Law Austin, Texas
Primary responsibility for designing CSR plan	Probation department	Citizen Advisory Board
Officials initiating CSR sentence consideration for individual defendants	Prosecution, defense counsel, judge, probation officer	Prosecution, defense counsel
Approvals needed for a CSR sentence	Judge	Chief prosecutor, probation officer, judge
Processing stage when particular CSR placement is assigned	Post-sentence	Pre-sentence
Particular CSR placement is entered into court order	No	Yes
A sentence to probation necessarily accompanies a CSR sentence	No	Yes
Hours framework of CSR assignment	24-100 (not to exceed 200 hours)	24-100 (not to exceed 200 hours)
An insurance fee is charged CSR clients	Yes	No
Primary locators of agencies for CSR placements	Probation department CSR coordinator	Social work student volunteers
Probation department staff member accompanies client on first visit to CSR placement agency	No	Yes
Other CSR programs begun after misdemeanor court CSR initiation	Adult felony probation agency Juvenile probation agency Juvenile diversion agency	Chief Prosecutor

early March 1979 the CAB position paper was presented formally to the three judges who approved it without change. The co-chairpersons also presented this statement to the probation director and his top management in late March, when it was also approved.

The co-chairperson law professor, who also directed the law school clinic, met with the undergraduate social work faculty, which assigned students to the law clinic, to determine whether the social work students might undertake the function of contacting community agencies to explore CSR agreements. This project was approved and was completed during the spring. He also arranged for the assignment of a law student intern to facilitate the CSR project. The law student prepared legal memoranda on the legality of using CSR with deferred sentencing, on liability questions, and on constitutional issues such as placement with a church or church-related agency. Through a law school stipend, she was to spend the summer in the probation department helping orchestrate CSR and preparing a report on CSR for the law school.

Certain discussions ensued between project staff, the probation director, and the co-chairperson law professor concerning the continuation of the CAB following CSR implementation. Project staff favored this in its effort to replicate a more permanent CAB; the probation director favored continuation, hoping that CAB could assist him at a later date in gaining acceptance for CSR with the felony court, in expanding CSR to deferred prosecution and deferred sentence cases, and to assist with his interest in enlarging his department's activities in community corrections; the law professor wanted the CAB to continue only to help monitor CSR implementation in the misdemeanor court and, possibly, to assist with implementation efforts in the felony court. He did not believe the CAB should continue on a permanent basis. Earlier, he had been a member of a juvenile court citizen advisory board, organized on a permanent basis, which had not been continuously productive.

The law professor, together with several defense attorney members of CAB,

presented the program to a meeting of the criminal section of the Travis County Bar Association. They encountered both positive interest as well as substantial concerns as to whether CSR would provide incentives to defense attorney functioning. The program was not formally presented to the chief county attorney. Rather, the senior misdemeanor court officer continuously interpreted the program and its development to assistant county attorneys (two of whom were CAB members) who reported to CAB that their chief was not opposed to CSR.

At two April meetings of CAB, social work students presented reports of their contacts with community agencies. The probation director and volunteer coordinator earlier had signed letters directed to these agencies which outlined the CSR program, specified CAB, court, and criminal justice agency approval of the program, described the types of offenders to be excluded from CSR, and requested the assistance of the agencies (see Appendix IV-B). Most agencies had agreed to collaborate, including the Parks and Recreation Department, an alcohol rehabilitation agency, county welfare, Battered Women's Center, Campfire Girls, Humane Society, YMCA, Goodwill Industries, Austin Association of Retarded Citizens, Austin Child Guidance Center, Austin Community Nursery School, Salvation Army, the Boys' Club, and Capitol Area Rehabilitation Center. Several rejected collaboration due to liability or other concerns, one believing that CSR probationers would fall outside the definition of volunteers who were insured by the agency. Subsequently, a fourth social work student was to recruit additional agencies. Board members also contacted certain community agencies for CSR placements with some success and followed up through personal contacts with a few agencies that had not been receptive to placement requests by the social work students. Mention should also be made that the probation department was one of three sponsoring agencies for the visit and local speeches of a Winona, Minnesota judge who had received national attention for his CSR program. The court's judges and some CAB members attended the luncheon speech, which was well received.

It was the co-chairperson law professor's opinion, following review of the law student memo, that there was no constitutional problem with CSR probationers working with church-sponsored social programs that are available to a broader constituency, such as Head Start programs. The law professor also drafted a probation department-community agency agreement providing space for the number of hours to be performed by the designated date, for the name of the probation officer who should be contacted, and for the agency staff member's signature agreeing to advise the department of problems. He also drafted language for a CSR probation condition.

By May 1979 the first CSR cases were being reviewed for eligibility under the formally-adopted CSR program. The law student intern, assigned to the probation department for the summer months, teamed with the lead misdemeanor court officer in administering day-to-day CSR operations. She performed the CSR eligibility review, and worked out the particular agency of placement; the misdemeanor court officer performed the eligibility for probation review and made the ultimate screening decision. Following the court's sentence to probation and CSR, the law student accompanied each probationer to the agency for the initial visit; she took with her a blank agreement for the agency to sign, and gave the agency a reply card to complete and return to the probation department at the end of the experience or at termination. She also provided a timesheet to the probationer to maintain his own records. On the day following the first visit, the law student phoned the agency to obtain feedback on how the placement had progressed.

Although both the law student and misdemeanor court officer talked almost daily with public and private attorneys in the court, referrals came in slower than had been desired. The law student reported to CAB at its meeting June 12: One case had been assigned to a crisis hotline for sixty hours; a second to Battered Women's Center; a third case was a combined assignment to the Parks and

Recreation Department and the Capital Area Rehabilitation Center; the fourth, in process, was being assessed for placement at a community nursery school.

Board and staff considered ways to enhance CSR client recruitment. The misdemeanor court officer would hold a meeting with all six assistant county attorneys; a meeting would be held with the chief county prosecutor; the co-chairperson law professor would explore referrals with the law clinic he directed; the co-chairperson citizen offered to discuss CSR with defense attorneys she knew. Project staff earlier has suggested a letter describing CSR to be signed by the judges, and mailed to attorneys practicing in this court. The board reviewed the proposed letter, made certain amendments, the judges were later to sign it, and it was mailed to approximately 140 attorneys in late June.

The board met in July, September, and October, the chief prosecutor attending two of these meetings. He revealed that he had begun his own CSR program with deferred prosecution cases, but in general was approving CSR use with adjudicated offenders when requested. He was using the agency list developed by the board, but utilizing only a few of these agencies where he knew staff members. He opposed the presiding judge's suggestion that each of the three misdemeanor court officers present ten CSR case recommendations monthly to each of the three judges; he saw this as going counter to the plea bargaining system that had been institutionalized in the county. The presiding judge had proposed this approach in response to the project staff's expression of concern with the small number of cases assigned to CSR, and staff's suggestion that the judges could facilitate this program by taking a more proactive stance in encouraging CSR usage.

A report was made at the CAB meeting October 16 that:

- three people had completed CSR;
- fourteen people were at work on CSR; and,
- five people were being evaluated for CSR.

The law student intern had departed, having been replaced by a CETA employee.

Two new agencies, Planned Parenthood and the Austin State Hospital, were being utilized for several cases each, in part because they provided volunteer training and CSR probationers were seen as volunteers. One case report affirmed to the board that their efforts in developing CSR had been worthwhile. A University of Texas professor with grant writing and fundraising skills, assigned to the Austin State Hospital to perform his community service, had agreed to raise money to obtain a swimming pool for the residents. He had collected more than \$40,000 through donations and was helping supervise the installation of the pool.

It was reported that a university student (shoplifting) had successfully completed sixty hours at Parks and Recreation refereeing basketball games, umpiring track meets, and taking in tickets at the gate. Another probationer had performed one hundred hours of maintenance work there and had been offered a job upon completion, though it was not believed he had accepted the job. With another case assigned to the State Hospital for Retarded Persons, the CETA employee arranged to pick up this person at 10 p.m., at the close of the volunteer training program, and take her home. The misdemeanor court officer reported he was writing an article on CSR for the Texas Corrections Association's journal and that a local attorney had offered to reproduce this and include it in the Young Attorney's Newsletter. Several additional agencies were considering collaboration; the probation department volunteer coordinator was serving as the linking agent for these organizations.

There was discussion of expanding CAB to include businessmen/women. The county prosecutor had seen the board as too pro-defendant. The volunteer coordinator was asked to obtain and implement new nominations.

Project staff interviewed the administrator for the district attorney during the final staff visit to Austin in October 1979. This conference was held with the approval of the co-chairperson law professor and the probation director, and followed the former's statement that welfare fraud cases, deemed appropriate CSR



cases in the misdemeanor court, were being considered increasingly in the felony court. The co-chairperson believed the timing might be right to begin to plant the CSR idea with the felony court. The interview was relayed to CAB, and members recommended that CSR expansion into the felony court be pursued. It was reported that more attorneys had expressed interest in the program, and the probation director considered that the incremental establishment of the program had been beneficial. The board expressed optimism over the project's developing accomplishments and utility. Project staff's suggestion that a brochure be developed and be available in the court to attorneys and defendants was accepted by the board, and one member volunteered to develop this with the volunteer coordinator. A month later, the volunteer coordinator reported to project staff that CSR referrals had continued to increase (twenty-seven probationers were working CSR hours) and that he was developing a system to report monthly to the court and other officials on the numbers of persons who had completed, were performing their hours, and were under consideration for the program. CAB members at their meeting November 27, 1979 worked on the draft brochure, and decided unequivocally that they wanted to continue to work with CSR implementation and facilitate its extension to deferred prosecution cases and to the felony court.

#### Conclusions

The Austin CAB-CSR project illustrates an innovation in the use of a citizen board to design and implement a program in a complex legal system and legal culture which otherwise may not have been accomplished, or accomplished as well, without the citizen umbrella and contribution. The more comprehensive description of this legal system and culture contained in the companion volume to this report reflects the basis for the difficulties that follow with implementation of a new approach that does not provide clear incentives to prosecuting and defense attorneys.

A key element in the project's implementation was the support of the pro-

bation director, who recognized that a CAB could help him accomplish a program that otherwise would be vastly more difficult to engineer in this complex environment. The certain slowness in the number of persons referred to the project was a result of these legal system complexities. Yet, the commitment of the board and probation staff, the support of the judges, the special assistance of university volunteers, and perhaps the merits and attractiveness of the program itself appear now to have established CSR on a firm basis. Although the community resource broker component of the CRP was not implemented, and an expanded volunteer service only tangentially incorporated and then somewhat intuitively rather than by design, the Austin project may be seen as a promising one. While its operation has been too brief to permit comprehensive evaluation, the use of a citizen group to design and implement a misdemeanor court program that enlarges the court's relationship to the community and provides additional sentencing alternatives should be adaptable in other communities and for other purposes.

At the time of this writing it remains uncertain as to whether the Austin CAB will opt for long-term existence; it has agreed to monitor CSR implementation with misdemeanor probationers, to seek CSR application to deferred misdemeanor prosecution cases, and to encourage CSR incorporation into the felony court. An ad hoc, special purpose CAB provides an interesting alternative model to the Tacoma long-term CAB design. As such, it would be easier to organize, utilize, and then disband, compared with the more difficult but more challenging opportunity for a court to utilize citizens in advisory roles on a long-term basis.

CHAPTER V  
PROGRAM IMPLEMENTATION IN THE  
MISDEMEANOR COURT ENVIRONMENT

Introduction

Chapter I identified and prioritized certain of the more acute problems associated with misdemeanor court management and charted several programs directed at addressing these concerns. The Case Management and Information System (CMIS), implemented in four courts and described in Chapter II, addressed certain identified problems: lack of case processing standards, absence of case and caseflow information statistics, failure to monitor case progress, and the need to deal more adequately with caseflow controls. The Community Resource Program (CRP), whose implementation in two communities was described in Chapters III and IV, sought to ameliorate court problems related to insufficient program resources, underutilization of existing program resources, isolation from the community, and undervaluation of misdemeanant cases. Additional commentary, review, and assessment regarding the implementation of these programs and related issues concerning misdemeanor courts are set forth in the companion volume to this report.

CMIS and CRP implementation achieved relative success in meeting the problems that had been identified. Problems associated with these implementations, not all of which were anticipated, should be reviewed carefully by courts that may wish to adopt or adapt these programs. The process of change along with the product that is the objective of change merit extensive attention with any program innovation. The programs that were tested out are seen as utilitarian, but not for every court. The presentation that follows expands on the issues that are among those to be considered by jurisdictions considering development of these programs in the future. While external change agents played significant roles in demonstration project implementations, incumbent personnel who wish to replicate these programs in some form should be able to accomplish program goals through internal resources, augmented, in some circumstances, by technical assistance. Further, while these programs were designed to require no or only

limited additional costs, more elaborate program replications may require budgetary expansion.

A. Case Management and Information System: Issues in Implementation

The utility and ease of implementation of the case-progress-control-card component of the CMIS has been well established during the course of the project. In addition to testing the technology in the four misdemeanor-court project sites, members of the project staff, independently, were instrumental in the development of additional, similar systems in two courts of general jurisdiction. The cumulative experiences of the past three years suggest that certain issues concerning how such a system is implemented, maintained, and used deserve careful examination by court personnel considering implementing a similar system. As in many undertakings, the "how" and the "why" may be more vexing than the "what".

Though perhaps not obvious, the fundamental implementation issue is whether to adopt a CMIS. It comprehends questions of cost, feasibility, and the probability of effectiveness. To sort out these questions, one must identify the purposes to be served by such a system. Examples of case management goals that the project team considered as constituting a suitable foundation for CMIS implementation are set forth in Chapter II. The particularized circumstances of some courts may suggest other, more desirable goals.

If this process results in a determination that some form of enhanced case management information system capability is desirable, the court manager should then answer the following questions before deciding that CMIS is the technique of choice:

1. What information is the system expected to provide?
2. What resources will be required to maintain the system and produce the information?
3. Is the information available in another form or from an existing source?

4. If it is, do the resources required under CMIS exceed those required under an existing system?
5. If CMIS requires more resources, are the resources required under CMIS justified by the type, quantity, accuracy, or availability of the information provided?

Determination of the resources required is a relative matter. In the Massachusetts test sites, the required level of effort was estimated at about three manhours daily where the annual filings equaled 12,000 - 14,000 cases. In Mankato, about one to one and one-half manhours daily suffice for creation, updating, and termination of the cards where filings are about 10,000 annually. In Corpus Christi, each of three court coordinators devotes about an hour per day to maintenance of the card system. These are adjudged nominal resource expenditures for the benefits derived. By way of contrast, in one of the general jurisdiction courts which recently implemented a CMIS, creation, updating, and statistical tabulations are a full-time job for one employee. In this court, annual filings of civil (non-domestic relations) and criminal cases are about 4,000. Here, too, the court believes the effort is justified by the information produced.

This comparison suggests that the volume of cases filed is not the sole measure of the suitability or feasibility of CMIS for a court. The volume of cards an employee would have to process on a daily basis is a better indicator of the resources required. This volume, in turn, depends on 1) how many of the cases filed would actually enter CMIS; e.g., in Mankato only 2,000 cases annually (of 10,000 filed) were monitored by CMIS (the system follows only those cases which proceed beyond first appearance); 2) how long it takes to dispose of cases (the longer the cases are in the court, the larger the card file of pending cases which must be monitored and the larger the number of entries required); 3) the amount of information to be recorded and the frequency of activity in each case (these increase the amount of maintenance time); and 4) the ease of acquiring information

to be recorded on the card (if, as in Mankato and Corpus Christi, the person maintaining the CMIS card is present when rulings affecting case status are made, less time is expended in data acquisition).

A corollary consideration is whether the CMIS cards will be used for only case scheduling, only case progress monitoring, only statistical reporting, or some combination of these functions. This decision will affect the type and volume of information to be recorded on the card and the frequency of updating required. It should be evident from Chapter II of this volume that we believe the case-progress-monitoring capability is the prime feature of CMIS. At the time this project commenced, courts engaged in so-called "case tracking" were notable exceptions to the usual court recordkeeping conventions. In only a few instances were courtseasily able to identify lagging cases. It is gratifying to observe that court personnel in Mankato and Corpus Christi now consider CMIS an invaluable case management tool.

This enthusiasm is all the more notable in view of the fact that additional work is required to use the cards for case progress monitoring rather than solely for statistics: the cards must be filed chronologically by the next scheduled action date and, usually, a companion alphabetic or numeric cross-index must be maintained. The level of effort required to use the cards for case scheduling/preparation of the daily calendars slightly exceeds that of using the cards only for monitoring the statistics (recall that the cards would be filed by next scheduled date); but the time saved, in many courts, in handling files and other papers to prepare and type the daily calendar more than compensates. At least one court coordinator no longer types the calendar; by fanning out the cards of scheduled cases and xeroxing the tops of each, the daily calendar is created showing all necessary case information (see Appendix V-A).

If the punch card will be used purely for generation of statistics, the least effort is required to operate the system - the exact level is dependent on

the level of detail desired (The Mankato and Corpus Christi cards are shown in Appendix V-B and Appendix V-C).

Finally, having considered all the foregoing concerning a decision for or against adopting CMIS, the court administrator should take into account the judge's conception of the court's responsibility for case progress. The prognosis for success of CMIS as a monitoring device is less hopeful if the judges believe the responsibility for case movement rests with the attorneys. On the other hand, one's assessment may be that the information generated by CMIS may cause a change in attitude. That was a premise of this project that seems to have been supported by our results. If such appears likely, we would encourage a court manager to proceed with CMIS implementation toward that end.

After the major decision to develop CMIS has been made, a number of practical implementation issues arise concerning system design and operation. Within our experience, there are five major considerations. They are:

- 1) the content of the case control card;
  - 2) who will maintain the card system;
  - 3) sources of input for card maintenance;
  - 4) the appropriate volume and type of statistics to generate from the card;
- and,
- 5) system costs.

#### Card Content

To minimize the work involved in operating the system, it is advisable to carefully sort out data items that are critical to monitoring/scheduling/statistical reporting from the universe of data items that could be included on the card. It is difficult to avoid the temptation of loading the card with items "that we might want to know about sometime". However, including these items becomes less a temptation when one recalls that, unlike many computer-based systems, the card can be modified easily in the future to include items which experience reveals to

be desirable. For the first iteration, a reasonable rule-of-thumb to follow would be to omit units of information that are not essential to case progress monitoring or case scheduling or reporting of useful statistics. The reader is again referred to the Corpus Christi control card (Appendix V-C) which follows this rule rather closely.

The court administrator may wish to include sufficient information on the card to allow preparation of Supreme Court-required statistics from the cards. In some courts, complying with the state administrative office's statistical requirements takes one to two mandays per month. Production of these reports by manually sorting properly designed cards can cut the time required to one to two manhours.

If case progress monitoring is a purpose of a court's CMIS, then inclusion of the next scheduled action date on the card is mandatory. Obviously, identifiers such as case title and case number are necessary. Some jurisdictions may find it necessary to supplement this with the defendant's birthdate or aliases in criminal cases. We reiterate, when deciding to include or exclude an item from card content, weigh its indispensability to the functioning of the card.

#### Card and System Maintenance Responsibility

This is not an issue of selecting a suitable individual for the job. It concerns deciding in what office or section to place the responsibility. Should the case monitor be under the direct supervision of the court administrator or, in view of the nature of the data involved, is there greater utility in placing the function in the clerk's office? So many varying considerations enter into this question that no general prescription can be put forth here.

Working under an individual calendar adds another choice. Should each judge's court clerk/bailiff/secretary/coordinator maintain a CMIS for cases assigned to his/her judge? Or should a single, centralized CMIS be maintained?



Corpus Christi opted for the first alternative. A general jurisdiction court that implemented a CMIS (Circuit Court of Washtenaw County, Michigan) selected the latter for the following reasons:

- o easier and faster to design and install the new system using one person to monitor all cases;
- o less training and supervision required;
- o standardization and uniformity harder to achieve under a decentralized system;
- o initially greater reliability of statistics; and,
- o cards are not used for case scheduling (except certain criminal cases that are scheduled by the clerk's office using the control cards).

#### Sources of Input for Card Maintenance

The arguments in favor of having someone in each judge's office maintain a deck of control cards are related to the problems and time lags associated with acquiring information to update the cards. Most key, status-changing activities occur in the courtroom or judge's chambers. Therefore, faster updating seems possible if the cards are maintained by the judge's personnel. In Washtenaw County, the "case-tracker" in the clerk's office must review a large volume of case papers coming from the courtrooms to find data which must be entered on the card. This emphasizes the need to find ways to capture status-changing information on the spot or finding ways to highlight it for the clerk's office to obviate the necessity of poring through reams of case papers.

#### Appropriate Volume and Type of Statistics

Just as there is a danger of including too many units of information on the control card, there is danger of reporting too many statistics, thus burying certain key numbers. If one subscribes to the notion that timely, relevant information can influence case-management behavior, then it is critical to isolate and report regularly only the relevant measures. Based on project experience with

the reports generated in the test sites, we now advocate very limited statistics, such as the following:

For each judge:

<u>This month</u>	<u>Last month</u>	<u>Same month last year</u>
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Number of cases filed:		
Number of cases disposed of:		
Average/median age of cases at disposition:		
Number of cases pending:		
Number of pending cases with no future action date set:		
Number of cases pending whose age (from filing) exceeds the court's standard (e.g., 60 days from arrest):		

These measures are a barometer of the court's control of case progress and can readily show when the court, or judge, is falling behind. A simple straight-line graph can dramatize any of the measures over a period of time, e.g., "the number of pending cases whose age exceeds the court's time standards".

This leads to a closing word on the importance of case-disposition time standards. Many jurisdictions have adopted them for criminal cases, but we are aware of no formal standards for civil cases. The significance of standards to CMIS can be summed in a single question: To what end can a court monitor case progress if it has no standard or goal to work toward? Without a standard there is no firm basis for urging case progress toward disposition; there is no standard of achievement against which to measure performance. While, upon reflection, most judges and court personnel realize that there are in fact certain time standards implicit in their management of caseload, they rarely express them explicitly. One of the goals/components of CMIS is turning implicit standards into explicit ones, and using these as benchmarks for case-progress control.

A decision for CMIS is not a decision against automation. CMIS is, in fact, a very useful prelude to automation because of its low cost, ease of use, and flexibility. The fact that modifying card design and system design is as easy as printing new control cards allows the court to experiment with the data that

should be included in the information system. Similarly, mistakes or misjudgments are inexpensive and easily rectified. Experience under a manual CMIS may be invaluable to subsequent design of an automated system.

#### System Costs

As indicated earlier, costs associated with the system are nominal. No additional personnel costs were incurred in the Phase II project sites when the system was implemented. The McBee Key-sort Cards cost from \$122 for 1,000 to \$752 for 10,000; the needle-like stylus used to sort cards costs \$7.00; punches used to notch the edges of the cards cost \$17.00. The cost of printing the cards will, of course, vary according to the printing process selected. One court, for example, arranged for local printing of 3,000 cards for approximately forty dollars.

#### B. Community Resource Program: Issues in Implementation

This program, of course, involved four associated components: a citizen advisory board (CAB), community resource brokerage (CRB), community service re-stitution (CSR), and expanded volunteer services (EVS). The original CRP concept sketched a mutuality of interconnectedness between the four parts, and suggested that the total benefits would exceed the total value of the individual components. The entire undertaking should be seen as an ambitious one which may be addressed either all at once or more incrementally. Further, a court may find it appropriate to implement only one or several of the component pieces. There is little question but that a full scale implementation of CRP, either more or less simultaneously or incrementally, will significantly change a misdemeanor court's present set of relationships with the broader public, with the probation department, and with the external agencies which now serve or might serve its clientele. Judges involved in such an undertaking will find that judicial isolation and boredom are reduced, although judicial frustration may increase, in part because problems are an inherent accompaniment to changes such as these.

Yet, courts must weigh the consequences of retaining the status quo against the difficulties involved with addressing present shortcomings by these programs.

As is described more fully in the companion volume to this report, planned change needs to consider the systemic balance that a court system currently accommodates. Further, it needs to be recognized that a change in one part of a system affects other parts of the system. Also, the embrace of change by some system actors who foresee certain benefits flowing from the modification may be counterbalanced by resistance accruing from other system actors who find no incentive or a disincentive as likely to result.

Court and probation agencies also need to review their history, the variety of forces, functions, and persons that constitute their internal and external environment, implementation strategies, the extent and nature of subordinate participation, and, as mentioned earlier, the degree of incrementalism that should accompany implementation. The more particular factors associated with implementation of the four specific components follows.

1. Citizen Advisory Board. There are significant positives associated with invoking citizen assistance to aid a court in fulfilling its objectives. A CAB can provide important public support in helping a court obtain improved budgets, more qualified and adequate staffing, enhanced facilities, and heightened public understanding and attention. The range of areas that a CAB can assist with are limited only by the ingenuity of the court and the citizen members, and the constraints and restraints which impinge on the board and the court itself. Other citizen boards, those having legal status or advisory status, have been valuable in countless communities and with diversified types of organizations. Many have functioned ineffectively and at times counterproductively, and yet such boards are part of the American way of life. In the court context, a CAB can function as the external change agent that some courts seem to need to effectuate certain changes. Board members, and other persons who can be activated

by a CAB, constitute a large well of technical assistance potential that can be drawn upon in innumerable ways. A CAB, of course, can only be advisory; it cannot (and should not) mandate the court to do anything. But a court that is genuinely interested in sharing its problems and processes with an informed citizen group can be the beneficiary of valuable advice, skills, help, criticism, and information.

Two CAB models evolved in this project, an ongoing broad-agenda board and a short-term board organized for a more specific and limited purpose. Either type of board requires the commitment of staff time and energy by the court or probation agency that establishes such a group. A short-term advisory group could be organized to assist a misdemeanor court to obtain improved facilities and furnishings, study its small claims procedures, evaluate its expenditures and revenue, review the provision of prosecution and defense counsel services, help initiate a new misdemeanor probation unit, explore ways to increase present probation department effectiveness, review community-based correctional needs, or additional projects. The broad-agenda board could encompass all of these tasks, and more.

A CAB, either general purpose or specific purpose, may include interested citizens and agency professionals. For some functions or studies, technical expertise is needed. Such a group might become more of a technical advisory committee if a court seeks volunteer assistance, for example, in determining the need for an automated management information system, or with space facility redesign, though combinations of technically skilled people and interested citizens can work usefully in tandem.

While some CABs might be able to be self-sustaining once established, most will require certain staff support and continuing consultation with the judiciary and with court or probation administration. The court or probation agency needs to determine the types of board representation that best fulfill their objectives

in creating such groups. In the several demonstrations described in this volume, citizens appear to have enjoyed the opportunity to serve, and, like persons called for jury duty, want to be utilized effectively. Yet the shaping and continuous reshaping of board purposes, agenda, and working procedures will require considerable thoughtfulness on the part of the board, the court, and the probation agency.

It is important that all judges of the court participate in initial board selection, and that other significant criminal justice agencies participate as well. Current presiding judges, sooner or later, will no longer preside over a court, and a long-term CAB that is responsive to the present presiding judge may not be seen as useful to this presiding judge's successor. Ongoing efforts should be made to continue to link such a board to the entire judiciary of the court.

In general, it is believed advantageous for a board to include representation from a wide cross section of the community and to consist of persons from diversified backgrounds and interests. Further, the Tacoma CAB guideline concerning active political campaigning by its members (Appendix II-C) is one that merits consideration by similar boards in maintaining a board's non-political posture, credibility, and impact. Also a CAB should not be used as a political support group for a judge's reelection effort.

Judges, court administrators or clerks, and probation directors embarking on the development of a CAB must recognize the need for ongoing training of members to inform them of the justice system and of court and probation procedures and programs. New members will be appointed from time to time and they will require initial and ongoing orientation as well.

Court officials should expect that the media will be receptive to the use of citizens since it prefers a more open court process. Officials interested in obtaining public support for community-based rehabilitation programs will

find a CAB advantageous, as will courts that prefer an image that they do not have all the answers for all the problems that confront them. County commissioners may be more receptive to judicial requests when these are backed by an informed citizen group. Yet, those who would initiate such a program must recognize that maintaining a CAB at a respectable functioning level, over time, is no easy task, as with any committee or board; that a CAB that falters, is dormant, or dies is problematic; and that a CAB that promotes judicial system accountability may not be what a judge or court official desires. Yet the potentials that can occur with a carefully charted CAB suggests many misdemeanor courts would benefit from their utilization.

2. Community Resource Brokerage. The effective provision of misdemeanor probation services should be a priority concern not just of the community at large, the individual probationer, and the probation director and staff, but of judges, prosecutors, and defense counsel, among others. The judicial interest should not be limited to those court settings where probation services are organized and administered by the judicial branch of government. Executive-administered probation, serving the courts, requires close collaboration and consultation with the judiciary that depends upon presentence investigations, supervision skills, utilization of external agencies, and other functions provided by a probation department.

A more extensive review of issues concerning the organization and delivery of misdemeanor probation services is set forth in the companion volume to this report. Observers have suggested that misdemeanor probation services, overall, are inferior to those provided in juvenile courts and adult felony courts. Misdemeanor probation agencies, often, are isolated, single-purpose organizations serving the lower courts. Also, many such courts receive no or virtually no probation services. Where such services are maintained, caseload or workload ratios tend to substantially exceed national standards. Presentence investigations may

not be performed, are done only occasionally, or are done very superficially, with insufficient review of sentencing alternatives. Personnel shortages haunt the supervision capabilities of many such departments.

CRB implementation appears especially suitable for the misdemeanor probation field. There are different models of this approach, and undoubtedly more will be actualized, but all are based on a more extensive utilization of external community agencies that constitute the human services fabric of a jurisdiction. Historically, probation departments have referred their clients to outside agencies for specialized services, but the probation officer, in general, has been perceived as the primary vehicle for a probationer's transition to law-abiding behavior. CRB would retain the probationer's accountability to the probation officer, but promotes systematic assessment of probationer needs and systematic brokerage of probationers to the specialized agencies that have been organized to address these needs for all citizens experiencing similar problems.

The description in Chapter III indicates that the CRB adaptation developed in Tacoma was a program that utilized staff specializations with different needs areas and implemented improved ways of connecting probationers to particular community agencies. Though CRB was not instituted in Austin, there are reports on a national basis of a substantial increase in implementing CRB approaches in probation and parole agencies, adult and juvenile.

There appear to be certain advantages to the CRB approach. Prominent is its economy. Since significant expansion in misdemeanor probation personnel is not on the horizon in many communities, and, indeed, many such departments face cutbacks in personnel because of budgetary constraints, CRB anticipates that fewer probation personnel can achieve more assistance for probationers through implementing brokerage approaches that rely heavily on external agencies. While outside agencies also may experience budgetary cutbacks, the variety of the programs that exist, particularly in urban and suburban areas, suggests that effective



linkages with many such agencies can be made in order to serve probationers better. CRB models, using teamloads as in the classic community resource management team approach described in Chapter III, or using specialist probation officers carrying individual caseloads as in Tacoma, should be able to rely strongly on external agency services but also provide short-term support and supervision functions directly, if these are desired and staff time permits.

There are other varieties, really unlimited varieties, to this approach. A probation department can obtain an evaluator from the alcohol abuse service to conduct presentence investigations with alcohol-related cases, the borrowed evaluator becoming an ancillary member of the probation staff. A similar arrangement might be worked out with the public employment agency, or a probation officer or aide can become the employment specialist for an entire probation department and assist all probation officers in the search for job or vocational training possibilities for probationers. Volunteers can be trained and utilized to conduct probationer needs assessments or become specialists in certain service areas to help effectuate brokerage. A probation department may wish to pilot such an approach using one probation officer to broker his or her caseload to community agencies and to assess the strengths and problems inherent to this approach. Or, as has occurred in El Paso, Texas, a probation department may prefer to expend significant energies in developing a consortium of community agencies that agree to certain principles of responsibility in serving each other's clients.

Beyond its more realistic approach to managing a caseload, apparent economy, and greater reliance on other human service organizations, brokerage aims at expanding the advocacy role of the probation department. In seeking services for probationers from other agencies, the probation officer becomes the client's advocate to seek assurance these services are indeed provided. In discovering agencies that remain disinterested in probationers, the probation department should seek to appeal the shortcomings to high-level officials of that agency or

to funding sources. In discovering service gaps for certain types of probationers, the probation agency may organize other interested persons to seek funding and develop such a program.

The judiciary and probation administration would be wise to agree to any demonstration of or changeover to this approach. Agreements are needed with the judiciary in determining the extent of direct supervision and reporting that will be performed by the probation agency to supplement services provided by external agencies. Inherent to brokerage is probation officer monitoring of actual external services delivered and of probationers' collaboration with external agencies. Judicial intervention can be useful in meetings with agencies that have been reluctant to assist probation department referrals; judicial intervention can be activated by probation department advocates in trying to facilitate support for new or expanded community agency services. Courts utilizing citizen advisory boards can activate citizen intervention in similar contexts.

Probation managers interested in this concept will need to review CRB purposes, methods, and changeover plans with middle managers and staffs. It would seem wiser to demonstrate this approach first with a unit of perhaps six or seven probation officers than to convert an entire, large department without having gained the necessary experience and made the necessary adaptations with what may become the local approach. Experimentation and evaluation are encouraged. However, even with a department that is more or less content with present service delivery methods, and wishes to maintain its present organization as it is, more effective use of external agency services can probably be accomplished. More attention may need to be given as to how referrals are made, how referrals are handled with probationers and agencies, to increase knowledge of the specific requirements and program offerings of the particular outside agencies, and to better feedback mechanisms as to services provided or not provided probationers. Court administrators also should become acquainted with this approach to probation

services and to insure that information systems are designed and utilized so as to be able to report to the judiciary on what services are being provided and with what results.

It is believed, also, that CRB can be a valuable method in rural communities where fewer external services are available presently. Here, too, certain adaptations will be necessary to fit local conditions.

3. Community Service Restitution. CSR programs are being implemented rapidly across the nation. Considerable planning is needed before initiation, and revisions should be done following test runs and further experience with these programs. CSR should be distinguished from, but can be administered simultaneously with, other programs that require obligations from offenders or which provide greater consideration to crime victims, such as money restitution, direct reparation, and direct services to victims. A court or community agency interested in designing CSR may wish to organize a citizen advisory board to assist it, as occurred in Austin. Further, the Tacoma and Austin demonstrations utilized volunteers in other roles such as interviewing probationers to determine the most appropriate mix between probationer interests or skills and agency volunteer needs, in monitoring compliance with community service work orders, and in interviewing agencies to arrange for their collaboration with this program.

CSR can be utilized at the different processing stages: diversion, deferred sentencing, or sentencing. With a sentence, it can serve as a sentence in itself, or be ordered in conjunction with a decree of probation. It can serve as a substitute for jail or fine, or be utilized as part of a jail sentence or fine. Although the probation agency, in most cases, will assume primary responsibility for the administration of this program, guidelines and procedures will need to be worked out with the judiciary and in conjunction with court administration personnel and prosecution and defense counsel. It is important that judges strive to achieve relative equality in establishing restitution hours in relationship to

offense severity and prior criminal histories, and that the number of hours utilized be geared at the lower level to enable the experience to be meaningful to the probationer and to the sponsoring agency, and at the upper level to not exceed a duration that is countervalueable to the offender. The twenty-four hour to one hundred hour, and not to exceed two hundred hour guideline used in Tacoma and Austin appears fruitful. Courts and probation agencies also need to agree upon whether the judge assigns the number of hours and the probation department arranges the specific placement (Tacoma), or whether the judicial orders should specify the particular agency and agency work supervisor following probation department investigation and recommendation (Austin). Procedures also need to be agreed upon for handling problems that arise concerning probationer non-compliance with service requirements, and the circumstances which should be handled by the department without return to court.

The liability issue is one that must be reviewed. The concerns here deal with injuries that the offender may suffer while performing his work, and the damage or injury that may be caused by the offender to persons or property at the work site. In Tacoma, with the help of a citizen advisory board member, the county obtained insurance coverage and offenders contributed a modest fee to offset this cost. Elsewhere, on assignment to public agencies, insurance coverage for the regular employees or for volunteers may be extendable to CSR assignees. With private agencies, insurance coverage for regular employees or volunteers also may be assignable. Nonetheless, the assignment of particular offenders to particular agencies should be carefully screened to minimize risks.

CSR is viewed generally as a useful correctional sanction requiring an obligation by the offender to enrich others in some compensation for his breach of his legal obligation. It requires more than reporting to a probation officer for counseling or supervision. It provides more extensive opportunity for the offender to review his failure to conform to legal norms and of the justifica-

tion for the correctional sanction. In serving others, the offender should have some realization of his own enhanced self worth. Clearly, the public is pleased with this type program, considering it a more tangible evidence of the sentencing function than other non-incarcerative approaches.

This program can be used in virtually any community due to the universality of nearby public agencies and near-universality of private non-profit organizations. Here, too, the types of CSR opportunities are limitless, except that there should be no enrichment to private businesses or individuals other than victims. Routine tasks might be suitable for many persons: getting out a mailing for a charity, painting a Head Start playroom, cutting the grass outside a nursing home, and so on. Other roles might bring out the special skills possessed by the offender: building picnic tables for a community park, teaching a cooking class at a community center, or helping raise funds for a community agency.

For judges, CSR offers additional and meaningful options at the sentencing stage. It also offers the offender the opportunity to help select the agency for his work and to participate, in effect, in designating his own sentence. CSR is a meaningful argument against public concerns when jail is not utilized. It enables the court to share responsibility with other community agencies for the rehabilitation of an offender, and affords an early termination option when the work is completed. To probation departments, CSR, when used as a sentence in itself, may reduce caseloads. CSR is a form of brokerage to community agencies, and the provision of CSR offenders to particular agencies may encourage those agencies to be more amenable to serving other probationers through community resource brokerage. CSR gets probation staff members more into the community and into closer collaboration with other agencies. It can enrich the probation experience both for the probation officer and probationer. Court administrators helping in the development of these programs can enable their

courts to participate more fully in the community correctional enterprise.

. Certainly, problems will arise in the administration of CSR. Probationers will not appear or will not fulfill their obligations in a timely and suitable fashion. Agency relations will be strained on occasions; new forms and referral systems have to be arranged; injuries can occur. Yet, a carefully planned and administered CSR program would appear to be a sound approach for most courts and probation agencies to implement.

4. Expanded Volunteer Services. Expanded volunteer services is the least innovative of the four components of the CRP. Yet, there are different and innovative ways in utilizing citizen assistance that courts should actively consider. In effect, a citizen advisory board is a different approach to utilizing volunteers. There are many others.

Volunteers have been associated far more with probation departments than with the courts themselves. Direct court utilization of volunteers is one objective of EVS; alternative or additional ways to utilize volunteers in probation agencies is another aim.

The use of volunteers represents one way to enhance present service capacities, thereby enriching the services provided by courts and probation agencies, and in turn providing an enriching experience for the volunteer. The use of volunteers signifies an organization's willingness to share certain responsibilities with the broader community, and thereby extend its more intimate knowledge of agency procedures and problems with others. The traditional use of volunteers with probation agencies has been concentrated in counseling probationers on a one-to-one basis. In this way, probationers receive more individualized attention than caseloads may permit from paid probation officers. The volunteer extends the humanitarian mission of this agency. But citizens have been used in countless other service and assisting roles, from conducting pre-sentence investigations to monitoring community service and money restitution

programs. Though volunteers, by definition, are unpaid, there are costs associated with recruiting, training, coordinating, or supervising volunteers. There may be other "costs" associated with volunteers: they may default on their pledge of commitment to an agency or to an individual probationer; they may have their own agenda which is not consonant with agency expectations; they are not subject to the same employment controls as paid employees; they may be difficult to work with and also difficult to terminate.

Volunteers can be more convincing to some probationers than probation officers, since volunteers are perceived as assisting people because they want to and not because they are paid to perform. Many volunteers bring very special qualities and skills to their work. Student volunteers may decide to pursue careers in the justice field. Many volunteers are extremely loyal and conscientious to their work settings, and bring an additional community dimension that enriches the knowledge and understanding of paid staff members. Volunteers take back to the community and interpret to the community the nature of the judicial and probation functions and the extent of the challenge that confronts these organizations. They can be utilized in obtaining public as well as official support for court or probation funding and for needed legislation.

Using volunteers in the court itself may be a new consideration for judges. Some courts use volunteers to staff an information desk where the public seeks information on the particular division of a court that is hearing a particular case, or answer other logistics questions. Court administrators have used university volunteers in planning and evaluation functions, and judges might wish to demonstrate the need for paid law clerk assistance by first using volunteer law students in an internship capacity. While experience to date with court observers and court watching groups usually is associated with independently organized outside groups, the citizen advisory board in Tacoma, the court's own volunteers, developed and implemented court watching in that community. Volunteers

can perform certain clerical functions in a court, can facilitate data and information gathering in the preparation of reports, can help with the orientation and provide assistance to jurors, and may be used to convey information between the court and probation agency, such as, the identities of persons sentenced that date to probation. They can assist in the performance of functions described earlier in this chapter that depicted the many roles a citizen advisory board might fulfill and the values in augmenting the CAB members with other citizen consultants or helpers.

Approaches to the recruitment and screening of volunteers take different forms. The probation agency in Tacoma decided to "broker" this function to the several central volunteer agencies serving that community, then conducting a more intensive assessment of volunteers who had been recruited and screened initially by the central volunteer organization. However, the well-established volunteer program in the probation agency in Austin utilized a full-time paid volunteer coordinator as the recruiting source. The Tacoma department obtained volunteers to meet the specifically detailed plan of the probation officer in particularizing how the volunteer would be used. The department in Austin obtained volunteers for both the misdemeanor and felony probation divisions of that organization, designating volunteers to assist individual probationers, individual probation officers, and individual branch probation offices.

The CRP program and its subcomponents, then, appear to extend the interdependence of the court and probation agency with the community and to facilitate the utilization of community resources, including citizen resources.

The CMIS program, also, holds promise of improving misdemeanor court case processing efficiency. The research assessments which evaluated project components, set forth in the companion volume to this report, indicate certain gains and shortcomings flowing from the demonstration of these innovations. These programs represent designs for change, not panaceas.



APPENDICES

## Appendix I

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# APPENDIX I-B

Misdemeanor Courts (as of January, 1977)

State	Court	Criminal Jurisdiction*	Other Jurisdictional Areas**
Alabama	County <sup>1</sup>	"Misdemeanors" (OTP)	FP; T; C (V)
Alaska	District	1 year and/or \$500	FP; OV; C (\$10,000)
Arizona	Justice City	6 months and/or \$300 6 months and/or \$300	FP; C (\$1,000) FP; OV; T
Arkansas	Municipal Justice Police City	1 year and/or \$250 1 year and/or \$250 1 year and/or \$250 1 year and/or \$250	FP; OV; C (\$300) FP; OV; T; C (\$300) FP; OV; T; C (\$300) FP; OV; T; C (\$300)
California	Municipal Justice	"All Misdemeanor" (OTP) 1 year and/or \$1,000	FP; OV; T; C (\$5,000) FP; OV; T; C (\$1,000)
Colorado	County	2 years	FP; C (\$1,000)
Connecticut	Court of Common Pleas	1 year and/or \$1,000	FP; OV; C; (\$5,000)
Delaware	Court of Common Pleas Municipal (Wilmington) Justice+	"All Misdemeanors" (NGD) "Misdemeanors" (NGD) "Minor Misdemeanors" (NGD)	C (\$3,000) FP; OV; T T; C (\$1,500)
Florida	County	1 year	FP; OV; C (\$2,500)

\*The maximum term for imprisonment is indicated in parentheses: NGD = no general definition of misdemeanor; OTP = other than in penitentiary.

\*\*Other jurisdictional areas handled by misdemeanor courts are coded according to the following scheme: T = traffic; J = juvenile; C ( ) = civil (maximum limit); C (V) = civil, limit varies; FP = felony preliminary hearings; OV = ordinance violations; and P = probate.

+Judges from these courts were not polled in the AJS questionnaire survey.

<sup>1</sup> As of January 1, 1977, these courts were replaced by new statewide district courts of limited jurisdiction.

APPEN. X I-B  
Misdemeanor Courts

State	Court	Criminal Jurisdiction*	Other Jurisdic- tional Areas**
Georgia	"State"	1 year	C (unlimited)
Hawaii	District	1 year and/or \$1,000	FP; OV; C (\$5,000)
Idaho	District (Magistrate Division)	1 year and/or \$1,000	FP; P; J; C (\$5,000)
Illinois	Circuit (Associate Judges)+	1 year	-----
Indiana	County	1 year and/or \$1,000	OV; T; C (\$3,000)
	City	6 months and/or \$500	OV; T; C (\$1,000)
	Municipal (Marion County only)	1 year and/or \$1,000	OV; T; C (\$10,000)
Iowa	District (Judicial Magistrates and Associate Judges)	"Indictable Misdemeanors" (1 year)	FP; OV; T; C (\$3,000)
Kansas	County	1 year and/or \$2,500	FP; T; C (\$1,000)
	City	1 year and/or \$2,500	FP; C (\$3,000)
	Magistrate	1 year and/or \$2,500	FP; T; C (\$3,000)
Kentucky <sup>2</sup>	County (Quarterly)	1 year and/or \$500	FP; P; J
	Police	1 year and/or \$500	FP; OV; C (\$500)
	Justice+	1 year and/or \$500	FP; C (\$500)
Louisiana	City	6 months and/or \$500	FP; C (V)
	Parish	6 months and/or \$500	FP; C (\$1,000)
Maine	District	"All crimes and offenses not punishable by imprisonment in the state prison" (NGD)	FP; OV; D (\$20,000)
Maryland	District	3 years and/or \$2,500	FP; OV; T; C (\$5,000)

<sup>2</sup>In late 1975, Kentucky passed a constitutional amendment effective January 1, 1978, replacing the variety of limited jurisdiction courts with a statewide district.

APPENDIX I-B  
Misdemeanor Courts

State	Court	Criminal Jurisdiction*	Other Jurisdictional Areas**
Massachusetts	District Boston Municipal Court	5 years 5 years	FP; OV; J; C (unlimited) FP; OV;
Michigan	District Municipal	1 year and/or fine 3 months and/or \$500	FP; OV; T; C (\$10,000) FP; OV; T; C (V)
Minnesota	County Municipal (Hennepin & Ramsey Counties)	3 months and/or \$300 3 months	FP; OV; T; P; J; C (\$5,000) FP; OV; T; C (\$6,000)
Mississippi	County Justice+	"Fine and/or imprisonment in Jail" (NGD)	FP; T; J; C (\$10,000) C (\$500)
Missouri	Magistrate St. Louis Court of Criminal Corrections Municipal+	1 year and/or \$500-\$1,000 1 year and/or \$500-\$1,000 6 months and/or \$500	T; C (\$2,000) FP; OV OV; T
Montana	Municipal City Justice	6 months and/or \$500 6 months and/or \$500 6 months and/or \$500	FP; OV; C \$1,500) FP; OV; C (\$1,000) FP; T; C (\$1,500)
Nebraska	County Municipal	"Most Misdemeanors" (OTP) 1 year and/or \$1,000	P; Jp; OV; C (\$5,000) C (\$5,000)
Nevada	Municipal Justice	6 months and/or \$500 6 months and/or \$500	T; OV; C (\$300) FP; C (\$300)
New Hampshire	District Municipal	1 year and/or \$1,000 1 year and/or \$1,000	FP; J; C (\$3,000) FP; J; C (\$300)
New Jersey	Municipal	"Specified misdemeanors where defendant waives indictment" (7 years)	OV; C (\$100)



APPENDIX I-B  
Misdemeanor Courts

State	Court	Criminal Jurisdiction*	Other Jurisdictional Areas**
New Mexico	Magistrate	1 year	FP; C (\$2,000)
New York	District	1 year and/or \$1,000	FP; OV; C (\$6,000)
	City (Outside New York City)	1 year and/or \$1,000	FP; T; C (\$6,000)
	New York City Criminal	"Non-indictable Misdemeanors" (1 year)	FP; OV
	Town+ Village+	1 year and/or \$1,000 1 year and/or \$1,000	FP; T; C (\$1,000) FP; T; C (\$1,000)
North Carolina	District	2 years and/or fine	J; C (\$5,000)
North Dakota	County Court of Increased Jurisdiction County Justice	1 year and/or \$1,000	FP; P; C (\$1,000)
		1 year and/or \$1,000	FP; C; (\$200)
Ohio	County	1 year and/or \$1,000	T; C (\$500)
	Municipal	1 year and/or \$1,000	OV; T; C (\$10,000)
Oklahoma	Municipal (Tulsa and Oklahoma City)	3 months and/or \$300	OV; T
Oregon	District Justice	1 year and/or \$3,000	FP; OV; C (\$2,500)
		1 year and/or \$500	T; C (\$1,000)
Pennsylvania	Philadelphia Municipal Court Justice Pittsburgh City Court	5 years and/or \$5,000	FP; C (\$500)
		3 months and/or \$500	T; OV; C (\$1,000)
		3 months and/or \$500	FP; OV
Rhode Island	District	1 year and/or \$500	C (\$5,000)
South Carolina	County	"All offenses except certain enumerated felonies" (NGD)	F; C (\$1,000)

**CONTINUED**

**2 OF 3**

APPENDIX I-B  
Misdemeanor Courts

State	Court	Criminal Jurisdiction*	Other Jurisdictional Areas**
South Dakota	Circuit (Magistrate Division): lawyer non-lawyer	1 year and/or \$500 30 days and/or \$100	FP; OV; C (\$1,000) FP; C (\$500)
Tennessee	General Sessions	1 year and/or \$2,000	FP; P; J; C (\$3,000)
Texas	Constitutional County Justice+ Municipal+	1 year and/or \$2,000 \$200 \$200	FP; P; J; C (\$1,000) FP; T; C (\$200) FP; OV; T
Utah	Justice City	6 months and/or \$300 6 months and/or \$300	FP; OV; C (\$300) OV; C (\$2,500)
Vermont	District	"Less than life imprisonment" (2 years)	J; C (\$5,000)
Virginia	General District	1 year and/or \$500	FP; OV; C (\$5,000)
Washington	District Justice Justice Municipal	6 months and/or \$500 6 months and/or \$500 6 months and/or \$500	FP; OV; C (\$1,000) FP; C (\$1,000) FP; OV
West Virginia <sup>3</sup>	Municipal Justice+	1 year and/or \$1,000 (OTP) 1 year and/or \$1,000	FP FP; C (\$300)
Wisconsin	Municipal County (Milwaukee County)+	6 months nad/or \$200 (OTP) 1 year and/or \$1,000	OV C (unlimited); J
Wyoming	Justice	6 months and/or \$100 (OTP)	C (\$1,000)

<sup>3</sup>Effective January 1, 1977, magistrates replaced justices of the peace; also, municipal court's jurisdiction will be limited to enforcement of municipal ordinances.

# APPENDIX I-C

## Misdemeanor Courts Telephone Survey

Name of Court	Location	Population with in Jurisdiction	Selection Variables		State Classification by Region and Culture <sup>2</sup>	State Classification Indices	
			Jurisdictional Limits			Trial Court Consolidation	Centralized Court Management
			Criminal	Civil			
BIG CITY (More than 400,000):							
1. Franklin County Municipal Court	Columbus, OH (Pop. 340,000)	340,000	1 year	\$ 10,000	I	6	7
2. Marion County Municipal Court	Indianapolis, IN (Pop. 746,000)	746,000	1 year	10,000	I	0	3
3. Maricopa County City Court	Phoenix, AZ (Pop. 583,000)	583,000	6 months	300	S	12	6
4. Duval County Court	Jacksonville, FL (Pop. 529,000)	529,000	1 year	2,300	S	13	10
5. Allegheny County District Justice Court	Pittsburgh, PA (Pop. 320,000)	1,603,000	3 months	1,000	I	6	12
6. San Francisco Municipal Court	San Francisco, CA (Pop. 716,000)	716,000	OTP	3,000	I	12	6
7. Fulton County "State" Court	Atlanta, GA (Pop. 495,000)	603,000	1 year	Unlimited	S	0	3
8. Hennepin County Municipal Court	Minneapolis, MN (Pop. 434,000)	960,000	3 months	6,000	I	6	3
9. Erie County City Court	Buffalo, NY (Pop. 463,000)	463,000	1 year	6,000	I	0	10
10. Hamilton County Municipal Court	Cincinnati, OH (Pop. 451,000)	451,000	1 year	10,000	I	6	7
MEDIUM SIZE CITY (100,000 - 400,000):							
11. Douglas County Municipal Court	Omaha, NB (Pop. 347,000)	339,000	1 year	3,000	SP	9	12
12. Norfolk County General District Court	Norfolk, VA (Pop. 308,000)	308,000	1 year	3,000	S	13	9
13. Bernalillo County Magistrate Court	Albuquerque, NM (Pop. 244,000)	316,000	1 year	2,000	S	8	11
14. Providence County Municipal Court	Providence, RI (Pop. 179,000)	179,000	1 year	3,000	I	8	11
15. Salt Lake County City Court	Salt Lake City, UT (Pop. 176,000)	176,000	6 months	2,300	SP	9	10
16. Pulaski County Municipal Court	Little Rock, AR (Pop. 132,000)	287,000	1 year	300	S	2	2
17. Clark County Municipal Court	Las Vegas, NV (Pop. 126,000)	126,000	6 months	300	F	12	3

<sup>1</sup>Consolidation and simplification of trial court structure and centralized management are considered to be two essential components of unification. The numerical values listed under each category represent that state's index score using four indicators to determine the extent to which each state has achieved each of these elements of unification. The range of possible scores for each element is 0-16 with a score of 16 showing the greatest degree of unification. See, Larry C. Berkson, "Unified Court Systems: A Ranking of the States", *Justice System Journal* 3 (Spring 1978): 264.

<sup>2</sup>This classification is based on 118 political, economic, and policy variables as indicators of cultural similarity among the 50 states. Better than 50 percent of the typical state's behavior on these 118 variables is accounted for by the state's classification into one of four classes or cultures: I = Industrial; S = Southern; SP = Sparsely Populated; and F = Frontier. These four classes, while somewhat geographically contiguous, vary considerably from regional groupings. See, Norman R. Luttbeg, "Classifying the American States: An Empirical Attempt to Identify Internal Variations," *15 American Journal of Political Science*, 1971.



# Appendix I-C (continued)

## Misdemeanor Courts Telephone Survey Continued

Name of Court	Selection Variables						
	Location	Population within Jurisdiction	Jurisdictional Limits		State Classification by Region and Culture <sup>2</sup>	State Classification Indices	
			Criminal	Civil		Trial Court Consolidation	Centralized Court Management
SMALL CITY (25,000 - 100,000):							
18. Hillsborough County District Court	Manchester, NH (Pop. 38,000)	224,000	1 year	3,000	SP	9	9
19. Cumberland County District Court	Portland, ME (Pop. 63,000)	193,000	OTP	20,000	I	12	12
20. Arapahoe County Court	Littleton, CO (Pop. 26,000)	162,000	2 years	1,000	SP	3	16
21. New Castle County Municipal Court	Wilmington, DE (Pop. 30,000)	80,000	Misdemeanors (NGD)	3,000	I	2	11
22. Cass County Court	Fargo, ND (Pop. 33,000)	74,000	1 year	1,000	SP	9	8
23. Clay County Court	Moorhead, MN (Pop. 30,000)	47,000	3 months	3,000	I	6	5
24. Grand Forks County Court	Grand Forks, ND (Pop. 35,000)	61,000	1 year	1,000	SP	9	8
25. Santa Fe County Magistrate Court	Santa Fe, NM (Pop. 41,000)	35,000	1 year	2,000	S	8	11
26. Dutchess County City Court	Poughkeepsie, NY (Pop. 32,000)	32,000	1 year	6,000	I	0	14
27. Androscoggin County District Court	Lewiston, ME (Pop. 42,000)	91,000	OTP	20,000	I	12	12
RURAL (Less than 25,000):							
28. Apache County Justice Court	Sanders, AZ (Pop. 250)	32,000	6 months	1,000	S	12	6
29. McKinley County Magistrate Court	Gallup, NM (Pop. 13,000)	43,000	1 year	2,000	S	8	11
30. Mendocino County Justice Court	Willits, CA (Pop. 3,000)	3,000	1 year	1,000	I	12	6
31. Becker County Court	Detroit Lakes, MN (Pop. 6,000)	24,000	3 months	3,000	I	6	5
32. San Miguel County Magistrate Court	Las Vegas, NM (Pop. 14,000)	22,000	1 year	2,000	S	8	11
33. Barnes County Court	Valley City, ND (Pop. 8,000)	13,000	1 year	1,000	SP	9	8

KEY: \* The courts asterisked (\*) were visited by project staff to identify management problems.

OTP All crimes and offenses not punishable by imprisonment in the state penitentiary.

NGD No general definition of misdemeanor.

Appendix I-D

On-Site Visits to Review Innovative Management Techniques

Court	Location	Programs
1. Hennepin County Municipal Court	Minneapolis, MN Population: 434,000	Caseflow Management; Police Citation Programs; Preliminary Conferences
2. Ramsey County Municipal Court	St. Paul, MN Population: 310,000	Pretrial Release; Diver- sion; PROJECT REMAND
3. El Paso County Courts at Law	El Paso, TX Population: 322,000	Resource Broker; Probation
4. Polk County District Court	Des Moines, IA Population: 201,000	Pretrial Release; Diver- sion; Probation
5. Clark County Municipal and Justice Courts	Las Vegas, NV Population: 126,000	Caseflow Management; Effect of Organizational Changes to Single Level Trial Court
7. Watonwan County and District Courts	St. James, MN Population: 72,000	Caseflow Management; Rural Court Administrator
8. Administrative Office of the Courts	Frankfort, KY	Pretrial Release; Commu- nity Advisory Boards

Appendix I-E Task Force Participants

Workshop #1

Task Force - Preliminary  
Conferences

Hon. O. Harold Odland  
Chief Judge  
Hennepin County Court  
951 C. Government Center  
Minneapolis, Minnesota

Hon. Alan Hammond  
Presiding Judge  
Phoenix Municipal Court  
12 N. 4th Avenue  
Phoenix, Arizona 85003

Hon. Bush P. Mitchell  
Presiding Judge  
Dayton Municipal Court  
335 W. 3rd Street - Room 306  
Dayton, Ohio 45402

Mr. David Jackson, Esquire  
Executive Aide  
Court of Common Pleas  
P.O. Box 316  
New Britain, Connecticut 06050

Mr. Richard Friedmar  
Court Administrator  
Toledo Municipal Court  
525 North Erie Street  
Toledo, Ohio 43624

Task Force - Community  
Resource Program

Judge William V. Hopf  
Circuit Court  
201 South Reber  
Wheaton, Illinois 60187

Judge David Caldwell  
Municipal Court - 6th Floor  
City - County Building  
Indianapolis, Indiana 46204

Mr. John O'Toole  
Court Administrator  
Cleveland Municipal Court  
601 Lakeside Avenue  
Cleveland, Ohio 44114

Ms. Frances Cox, Supervisor  
Central City Misdemeanor Unit  
Travis County Adult Probation  
510 West Tenth  
Austin, Texas 78701

Mr. Paul Johnson  
Boston Housing Authority  
71 Prentice Street  
Roxbury, Massachusetts 02120

Appendix I-E Task Force Participants

Workshop #2

Task Force - Design of a Case  
Monitoring System

Wayne Berg  
Court Administrator  
City Hall Annex  
Clare, Michigan 48617

Dorothy J. Coy  
Court Administrator  
District Court #1  
924 City-County Building  
Tacoma, Washington 98402

Bill Schindler  
Judge  
County Court  
Courthouse  
Blue Earth, Minnesota 56013

Ellis Pettigrew  
Trial Court Executive  
Fourth Floor  
Municipal Building  
Ogden, Utah 84401

Prentice L. G. Smith, Jr.  
Judge  
Baker City Court  
P.O. Box 1  
Baker, Louisiana 70714

Task Force - Community  
Resource Program

Mrs. Ann Dees  
Court Coordinator  
Brazoria County Courthouse  
Angleton, Texas 77515

Mr. Edward F. Eden  
Chief Probation Officer  
Sutter County Probation Dept.  
Courthouse  
Yuba City, California 95991

Mr. Jay M. Newberger  
Director of Court Services  
Supreme Court Administrator Office  
State Capitol  
Pierre, South Dakota 57501

Judge Galen Hathaway  
Little Lake Justice Court  
191 North Main Street  
Willits, California 95490

Ms. Joan Lee  
Legal Aid Society  
302 Greenup Street  
Covington, Kentucky 41012

Appendix II-A

Blue Earth County Court  
Case Progress Control Card  
and  
Step-by-Step Instructions

J	F	M	A	M	J	J	A	S	O	N	D	C	CPT	PSI	B	CAC																									
NAME: CHARGE: DEF. ATTY.: PHONE:												FILE NUMBER: OFFENSE DATE: AGENCY: OFFICER: PROSECUTOR:					NEXT ACTION DATE App. Date _____ Cont'd. _____ Cont'd. _____ Evid. H. _____ Cont'd. _____ Pre-Trial _____ Trial _____ Cont'd. _____ Cont'd. _____ Cont'd. _____ Sent _____ Cont'd. _____ Prob. Rev. H. _____																								
OFFENSES DWI Careless/Reckless Simple Assault Theft D.O. Conduct DAR/DAS Speeding Open Bottle Parking Tickets Other _____ Reduced Charge												LOCATION: J E H    I P T    I C T    I J T					SENTENCE Jail _____ Jail Suspended _____ Fine _____ Fine _____ Jail and Fine _____					TYPE OF DISPO. Dispo. Before Trial Guilty Plea at Trial Court Trial—NG Court Trial—G Jury Trial—NG Jury Trial—G Dismissed					Date: FTA BW					Stay Imposition _____ Probation _____ Date _____ Probation Completed _____ Safety Seminar _____ Seminar Completed _____ Driver Improvement _____ DI Completed _____ Drug Course _____ DC Completed _____ Concurrent _____ Consecutive _____					CON.D. One _____ Two _____ Three _____ Four _____ Over Four _____				
AGE 30 days or less _____ 31-60 days _____ 61-90 days _____ over 90 days _____																																									

A misdemeanor case-control card will be created and maintained in all misdemeanor cases, and in those petty misdemeanors in which a not guilty plea is entered. This includes misdemeanor cases in which the defendant fails to appear. One card will be created per defendant, regardless of the number of charges.

At the time of initiation, the following information must be typed on the combined cards by the arraignment court clerk:

(Should be the same date the card is created. If first appearance has been continued to a future date, enter new date on the next line and file the control card by that date. Notify prosecutor of failure to appear with next assigned appearance date. (see additional materials for details)



After entering this information, the alpha-index card is separated from the case-control card and filed in the defendant index file. This card will be used to look up the file number and can also be used for quick access to case information.

The case-control card should then have the following punches made in the appropriate hole:

- the month in which the case was filed, denoted by the letters at top of card (date appeared or failed to appear)
- if not a motor vehicle charge, "C" at top of card
- "app. date"/FTA
- the "cpt" hole at top of card if a complaint is requested; the courts coordinator will assign a future trial date, allowing 30 days for the complaint to be issued.

The case-control card should be given immediately to the courts coordinator for assignment of the "next action" date.

The courts coordinator will assign a date and enter the date on the appropriate line in the upper right hand corner of the card, punch the hole opposite the entry and return the card that day to the arraignment clerk.

The card will then be filed in the case-control file according to the "next action" date.

If the scheduled date is continued in advance, the card must be pulled, the new date entered on the appropriate line in the upper right corner, the corresponding hole punched, and the card refiled under the new date.

NOTE: IT IS IMPERATIVE THAT CARDS BE RETURNED TO THE CONTROL FILE IMMEDIATELY WHENEVER THEY ARE PULLED TO MAKE AN ENTRY.

At the time the next week's calendar is made up, the control cards for each day should be pulled and checked against the calendars. If any cases are not on the calendar, they should be brought to the attention of the courts coordinator.

Each day after court is concluded, the case control clerk should receive the minutes from each court, pull case-control cards from the control file for each case, and make the appropriate entry/punch on the card.

A. if the scheduled action has not occurred, bring to the immediate attention of the courts coordinator

B. if a new date is to be scheduled, give the card to the courts coordinator for assignment and entry of a new date

C. if the case has been disposed of:

1. punch the charge of which the defendant was convicted or acquitted (punch the most serious charge and lesser charges, if any.)

2. punch the type of disposition (only one)

3. if sentence has been imposed:

a. punch the type of sentence(s) (if sentence is D.I., D.C., S.S., or probation, card will be placed in Special Review file which is set up by the expected completion date of the probation, S.S. or etc.) - Completion date of sentence and sentence are typed on back of card for future reference.

b. compute the age of the case at disposition (measured from first appearance to sentencing) and make the appropriate "age of case" punch

c. count the number of continuances in the upper right corner and punch the appropriate number opposite "continuances"

4. if the sentence has not been imposed:

a. give card to courts coordinator for assignment of sentencing date unless date is set in court in which case the case control clerk will enter that date on the control card

b. punch "PSI" at top of card if report has been ordered.

After sentencing, when all appropriate punches have been made, put the card in a separate location to hold for monthly statistical tabulations.

After the monthly statistical report, place D.I., D.C., S.S., and probation case control cards in a Special Review file - see additional sheet. (NOTE: DO NOT DISPOSE OF WHITE INDEX CARDS FOR ANY CASES STILL PENDING - ONLY AFTER ACTION IS DONE)

For all other cases, pull Index Card and destroy. File the control card in the alphabetical Inactive Index.

After the conditions of the sentence (S.S., probation, etc.) have been met, pull and destroy alpha-index card and file case control cards in the alphabetical Inactive Index.

BLUE EARTH COUNTY COURT

MISDEMEANOR CASE MANAGEMENT PROGRAM

DEFINITIONS

HEADING INFORMATION

Month: Each initial corresponds to a month. Punch the month in which the defendant appeared or was scheduled and failed to appear.

C: Punch only if a non-motor-vehicle case

CPT: Punch if complaint-summons is issued.

B: Punch only if bail is posted.

PSI: Punch if a probation report is requested prior to sentencing.

CAC: Punch if the court appoints counsel

Name: Enter the defendant's name, with last name first.

Charge: Enter all offenses with which defendant is charged, placing most serious offense first.

Defendant Attorney: Enter name, address and phone of defense counsel. If defendant is pro se, enter pro se and use the defendant's phone number(s): work phone first, home phone second.

File Number: Enter the file number(s)

Offense Date: Enter the date on which the offense occurred.

Agency: Enter the name of the issuing agency (HP, PD, etc.)

Officer: Enter the name of the officer who issued the citation.

Prosecutor: Enter the name of the prosecutor

EH, CT, JT: Evidentiary hearing, court trial, jury trial; if the defendant requests any of these, check the appropriate box(es) (If unsure, use pencil)

Location: Enter the city/township in which the offense occurred. (Location is important for identifying the proper prosecutor.

#### NEXT ACTION DATE

Each pending case must always have a future action date scheduled.

When the control card is created, the date of the defendant's first scheduled appearance (even if he fails to appear on that date)\* should be entered opposite "App. Date" and the hole next to it punched out. If the defendant enters his not guilty plea by mail or phone, enter the date received in the space and punch out the hole. If defendant fails to appear, follow established procedure and enter future assigned appearance date in the appropriate space (see judges' statement of policy for proper procedure).

After creation of the case control card, it should be given to the court's coordinator who will immediately assign an evidentiary hearing date, a trial date, or a sentencing date. Enter this date on the appropriate line and punch the corresponding hole. The case control card will be filed according to that date.

Whenever a scheduled activity is continued to a future date, the new date must be entered on the control card and the card refiled under that date. If notification is received of intent to enter a plea by petition, write info. in casefile and pencil in on control card.

If a probation revocation/review hearing is held (possibly pertaining to changes or additions after sentencing), locate card in Special Review card file and enter scheduled hearing date and file card according to that date back in the active pending file. NOTE: After completion of the hearing, do not count this case in the monthly statistics.

\*For purpose of traffic/arraignment clerk, insuring cases are current or disposed of, see prosecutor misdemeanor FTA list. Number of FTA's will be a monthly statistic.

#### SENTENCE

This is the sentence for the first convicted offense punched in the left side of the card. Write the sentence for other convicted offenses on the back of the card.

Stay Imposition: Punch if court's order states that imposition of sentence will be stayed and case will be dismissed if there are no further violations within "X" months. File in Special Review file under month in which "X" months expire.

Jail: Punch if defendant sentenced to jail and jail is not suspended.

Jail Suspended: Punch if jail sentence, or portion thereof, is suspended subject to conditions ordered by judge.

Enter actual days jailed and days suspended on the card. Example: 15 days jail, all but 4 suspended, enter jail time = 4; jail suspended = 11

Fine: Punch if defendant is fined and fine is not suspended.

Fine Suspended: Punch if fine or portion thereof is suspended.

Enter actual fines and fine suspended on the card (see jail instruction).

If bail is forfeited, check the box (3F).

Jail and Fine: Punch if both jail and fine are punched above.

#### CONDITIONS

Safety Seminar: Punch if defendant is ordered to attend Safety Seminar; File card in Special Review file under month seminar is to be completed.

Seminar Completed: Locate card in Special Review file and punch. Remove white index card and destroy. File Case Control Card in Inactive File.

Drug Course, Drug Course Completed, Probation and Probation Completed: Follow instructions for "safety seminar". NOTE: Cards with conditions pending are only filed in the Special Review file after completion of monthly statistics.

Concurrent: Punch if the sentences for two or more charges run simultaneously, or, punch if jail, fine, or conditions are to run for the same time as a current sentence.

OFFENSE

When the case is concluded, by acquittal or sentencing or dismissal, punch the hole opposite the most serious offense of which defendant was charged (if acquitted) or convicted. Punch other offenses of which convicted also.

If the defendant is convicted of a lesser offense or one which is not included on the card, punch "other" and enter the offense.

TYPE OF DISPOSITION

Disposition before trial: Punch if defendant pleads guilty at first appearance or evidentiary hearing, or changes plea to guilty prior to trial.

Guilty plea at trial: Punch if defendant changes plea to guilty on trial date but before first witness is sworn (court trial) or jury is sworn (jury trial).

NG - Court Trial: Punch if defendant is found not guilty by the judge.

G - Court Trial: Punch if defendant is found guilty by the judge or if case is dismissed after first witness is sworn.

NG - Jury Trial: Punch if jury renders verdict of "not guilty".

G - Jury Trial: Punch if jury renders verdict of "guilty" or defendant changes plea or case is dismissed after the jury is sworn.

Dismissed: Punch if entire case is dismissed at any time after filing except during trial.

FTA

Punch FTA if the defendant does not appear at "first appearance". A new date will be entered by the case control clerk under "app. date" "contd" in

upper right corner. The clerk's office will notify prosecutors of failures to appear.

BW/Warrant

Punch if judge/prosecutor issues warrant for failure to appear at trial. Enter date opposite BW/W and file card under Bench Warrant/W issued in special file.

Consecutive: Punch if the sentences on two or more charges do not run concurrently, or if a sentence is to be added onto one currently being served.

AGE OF CASE

Compute the age of the case from the first appearance date scheduled to the date of sentencing.\* Punch the appropriate interval.

CONTINUANCES

After the defendant has been sentenced, count the number of continuances and punch the appropriate number. A continuance is any date entered opposite "contd" in the upper right hand corner of the card. Do not count return dates of bench warrants. These dates should be entered on the card in pencil so actual appearance dates/trial dates and court-granted continuances can be entered on the card.

\*If a trial has been held, compute case age from the actual date of defendant's first appearance.



The SPECIAL REVIEW FILE\* is broken into 12 months; each with 4 special units of action for tracking.

File each card in that month in which the case-action applies or should be completed. Each card is filed alphabetically.

1. Safety Seminar, Driver Improvement and Drug Court (see list for proper filing)
2. Probation - file in Month in which Probation is to be completed
3. Warrants and Stay of Imposition - all should be filed one year from date of issuance or Date of Sentence, unless otherwise noted. Please make notation on file.
4. Temporary Hold & Under Advisement - This was created for those cards that have no date certain. Each clerk is responsible for any card placed there. Notation on a file to where the control card is filed is a MUST. PLEASE DO NOT ABANDON CARDS. All cards must be either Active or Disposed.

\*Please note cards are filed only after the monthly report is completed.

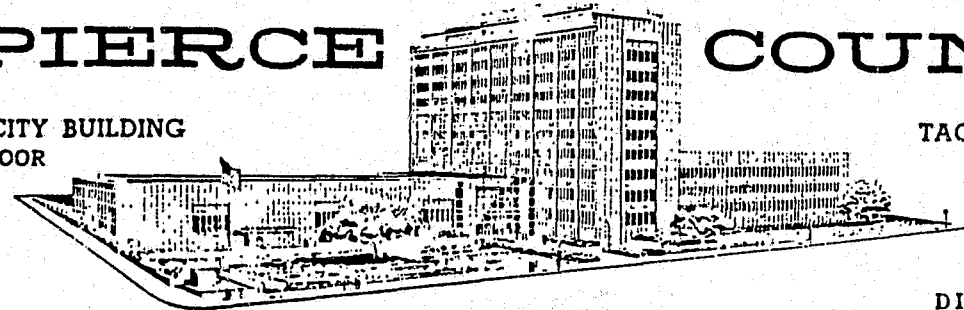
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# PIERCE COUNTY

COUNTY-CITY BUILDING  
NINTH FLOOR

TACOMA, WASHINGTON  
98402



DISTRICT COURT NO. 1

August 19, 1977

We have been selected by the American Judicature Society to test a proposed program for the more effective administration of probation services. We consider this a signal honor for Pierce County and it is our intention to make the most of the opportunity. It is the hope of the financing agency that the project will break new ground in the probation field and provide a pattern of operation for other courts.

A glaring fact of today is the public's criticism of the criminal justice system and the lack of any meaningful way for the public to influence that procedure in a constructive manner.

A feature of the proposed pilot program is the establishment of a policy advisory board to encourage input from the public and to provide a continuing means of communication between the public and the Court.

Other phases of the program aim to develop our Probation Department as a discerning and result-demanding broker of available rehabilitative and treatment services. Another phase of the program will utilize community service work as restitution to society for offenses committed and training in responsibility. We will also expand and improve our volunteer counseling service.

Your name has been suggested to District Court No. One as a person who would be interested in serving on our Advisory Board. Will you please complete the enclosed information form and return it to us in the self-addressed, stamped envelope provided for your convenience by no later than August 31, 1977.

Your cooperation is appreciated.

WILLARD HEDLUND  
Presiding Judge

WH/ms

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

( ) It is my desire to serve on the Citizens Advisory Board of District Court No. One. Please enter my name as a candidate for appointment to the Board.

( ) I am not interested in serving.

( ) I am interested in volunteer service work. Please contact me regarding this phase of your program.

My occupation is: \_\_\_\_\_

My community services are: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPENDIX III-B

CITIZENS ADVISORY BOARD  
PIERCE COUNTY DISTRICT COURT

CONSTITUTION AND BY-LAWS

PURPOSE

The purpose of the Citizens Advisory Board is to establish a means of communication between the public and the Pierce County District Court in order to give the public a more realistic picture of the criminal justice system and to provide the court with an informed and balanced impression of what the public finds unfair and unjust about the system.

ARTICLE I - NAME

The name of this organization shall be the Citizens Advisory Board to the Pierce County District Court.

ARTICLE II - MEMBERSHIP

The membership of the Citizens Advisory Board shall consist of not less than fifteen (15), but not more than twenty-one (21), members and shall include, but not be limited to, persons from business, labor, the retired community, women, educational institutions, human service agencies, ethnic and religious groups, consumers of court services, law enforcement and the bar association.

ARTICLE III - ELECTION TO THE BOARD

Section 1. Those members serving at the enactment of this Constitution and By-Laws shall serve for a one-year period from the date of enactment.

Section 2. At the end of the first term, elections shall be held to fill all Board positions. One-half of these positions shall be for one year; one-half shall be for two years. Existing Board members may run for re-election at this time and the Membership Committee may submit additional names for election to the Board. If existing Board members choose not to run for re-election, the vacancy shall be filled in accordance with Section 4 of this Article.

Section 3. At the end of the second term, elections shall be held for those Board positions which had been limited to one year. Upon election, the members holding those positions shall sit for two years. Existing Board members may run for re-election at this time, and the Membership Committee may submit additional names for election to the Board. If existing Board members choose not to run for re-election, the vacancy shall be filled in accordance with Section 4 of this Article.

Section 4. When a vacancy occurs on the Board, the Membership Committee shall recruit from the community and shall submit to the Board at least two names for each vacant position and the Board shall act on filling the vacancy at the Board meeting immediately after the vacancy occurs. The person elected to fill the vacancy shall assume the position immediately upon election and shall be appointed to a committee by the Chairperson.

Section 5. Any member who misses three consecutive Board meetings without a valid excuse shall be considered to have resigned and the vacancy shall be filled in accordance with Section 4 of this Article.

ARTICLE IV - RULES OF PROCEDURE

All business of this organization shall be conducted according to Robert's Rules of Order.

ARTICLE V - MEETINGS

Section 1. Meetings shall be held every other month, beginning in January of each year. The time and place of meetings is to be arranged by the Chairperson.

Section 2. Special meetings may be called by the Executive Committee by a majority vote of the Executive Committee. Notification of any such special meetings, giving the purpose for which called, must be given to each member of the Board at least five days in advance thereof.

Section 3. A quorum shall consist of a simple majority of the Board members.

ARTICLE VI - OFFICERS

Section 1. The officers of the Citizens Advisory Board shall be Chairperson, Vice-Chairperson and Secretary, who shall hold office for one year unless removed for cause, resignation or death.

Section 2. Officers shall be nominated by the Membership Committee at the January meeting and elected by the Board at the March meeting of each year. They shall take office immediately upon election.

Section 3. Vacancies in offices of the Board shall be filled for the unexpired term by appointment of the Executive Committee.

ARTICLE VII - DUTIES OF OFFICERS

Section 1. It shall be the duty of the Chairperson to preside at all meetings of the Board and the Executive Committee. The Chairperson shall appoint all committees, unless otherwise directed by the Board, and shall be a member, ex-officio, of such committees.

Section 2. The Vice-Chairperson shall assist the Chairperson and shall fulfill the duties of the Chairperson in the absence of that officer.

Section 3. The Secretary shall keep an accurate record of meetings of the Board, conduct correspondence of the Board and shall perform such other duties consistent with the office as assigned from time to time by the Board.

#### ARTICLE VIII - ORDER OF BUSINESS

The following shall be the order of business:

1. Call to order
2. Roll Call
3. Minutes of previous meeting
4. Report of committees
5. Old Business
6. New Business
7. Miscellaneous Business
8. Adjournment

#### ARTICLE IX - STANDING COMMITTEES

Section 1. The Standing Committees of the Citizens Advisory Board shall include, but not be limited to:

- a. Executive
- b. Court
- c. Probation
- d. Membership

Section 2. The Executive Committee shall consist of the Officers of the Board and the Chairperson of the Court and Probation committees. In emergency situations the Executive Committee is empowered to act for the Board.

Section 3. The membership of the Court, Probation and Membership committees shall be appointed by the Chairperson. Every member of the Board shall be a member of either the Court or Probation committees. The Membership committee shall consist of no less than three and no more than five members drawn from both the Court and Probation committees. The District Court Administrator shall be an ex-officio member of the Court committee; the Probation Director shall be an ex-officio member of the Probation committee.

Section 4. The Court and Probation Committees shall meet once a month unless otherwise arranged by the Committee, and may add to their membership ex-officio members, without vote, who are not members of the Board. The Membership Committee shall meet as necessary to carry out their duties as outlined in Article 3, Section 4.

Section 5. These committees shall report at each meeting of the Board unless otherwise directed by the Board.

#### ARTICLE X - AMENDMENTS

Section 1. The Constitution and By-Laws of the Citizens Advisory Board may be amended by a majority vote of the total membership at any regular meeting, provided that such amendment or amendments shall have been presented in writing and read at the preceding regular meeting; and further provided that the membership shall have been given notice of such pending action at least fifteen (15) days in advance of the meeting at which such vote will be taken. In an emergency, telephone notices may be substituted for written notice of this meeting.

Section 2. Sections of the Constitution and By-Laws may be suspended for any meeting and for that meeting only by a two-thirds favorable majority of the membership.



## CITIZENS ADVISORY BOARD

PIERCE COUNTY DISTRICT COURT NO. 1

COUNTY-CITY BUILDING  
NINTH FLOORTACOMA, WASHINGTON  
98402

September 8, 1978

Dear Citizens Advisory Board Member:

The Executive Committee of the Citizen's Advisory Board met on August 1, 1978, to discuss various aspects of Board activities. One of the main topics was the participation of Advisory Board members in political campaigns while serving on the Board. As you know, Professor James Beaver of the UPS Law School resigned from the Board at the last meeting in order to run for the U. S. Congress. And, several other Board members have expressed concern about the effect political campaigning would have on their membership.

After some discussion, it was decided that, as a policy of the Board, any Board member who wishes to run for office must resign his membership. Any Board member who wishes to take an active role in campaigning for an office which directly affects the District Court must take a leave of absence and refrain from granting permission to use his membership on the Board in any political endorsement or politically-related material. At the very least, the offices requiring a leave of absence are the District Court Judge positions, and may also include Sheriff, Prosecuting Attorney and County Commissioner. A Board member may take an active role in campaigning for any other office without taking a leave of absence.

This compromise policy recognizes that Board members are concerned citizens with a deep interest in electing dedicated public officials, and that a harsh policy of "no politics" would strip the Board of some of its most effective members. On the other hand, one of the premises upon which the Board was founded is that it would at all times maintain a non-political posture, since to do otherwise would nullify the credibility of the Board and negate its future impact. The aforementioned policy attempts to strike a balance between the extremes by focusing on active campaigning for offices which directly affect the District Court.

The policy is left purposely vague at this point, and will be given more substance as applied to particular situations. If you are involved in a political campaign, or are contemplating involvement, please contact me so that we may determine the correct course of action concerning Board membership. Your comments on this policy and all other Board activity are greatly appreciated.

Sincerely,

CITIZENS ADVISORY BOARD

James M. Hushagen  
Chairperson

PIERCE COUNTY PROBATION DEPARTMENT  
NEEDS ASSESSMENT FORM

Client Name \_\_\_\_\_ Case No. \_\_\_\_\_ Today's Date \_\_\_\_\_  
(last) (first) (mid. int.)  
Judge Code \_\_\_\_\_ PD# \_\_\_\_\_ D.O.B. \_\_\_\_/\_\_\_\_/\_\_\_\_

	EMPLOYMENT	VOCATIONAL TRAINING	ACADEMIC TRAINING	MENTAL HEALTH	ALCOHOL ABUSE	DRUG ABUSE	LEGAL PROBLEMS	HOUSING	TRANS-PORTATION	FINANCIAL ASSISTANCE	RISK CATEGORY	PHYSICAL HEALTH
	A	B	C	D	E	F	G	H	I	J	K	L
1	Without a job	No marketable skills	Very much a need	Highly unstable	Needs detoxification and treatment	Needs detoxification and treatment	Habitual civil and criminal problems	Constant transient	No means of getting around	Needs immediate assistance	High	Incapacitated. Needs medical services
195												
2												
3	Part-time work	Some skills	Could use additional education	Occasional loss of control	Occasional abuse, needs support	Occasional abuse, needs support	Occasional civil problems	Moves often, poor housing	Has some access to transportation	Needs financial planning advice	Medium	Occasionally ill. Needs medical attn.
4												
5	Working near potential	Achieved full potential for work	Not needed	No overt signs of problems	No known alcohol problem	No known drug problem	No current legal problems	Owens home or rented over one year	Owens vehicle	No assistance needed	Low	In sound health. Seldom ill

Z-927

APPENDIX III-D

ALTERNATIVE COMMUNITY SERVICE

Purpose:

Alternative Community Service is a complement to the traditional sentence of jail time and fines in two major areas. Jail and fines serve primarily as punitive measures. Alternative Community Service aims to bring out a positive side of the individual by giving him a new realization of his responsibility to society and of his self-worth as a human being. This is achieved by placing him in the responsible, respected and appreciated situation of rendering special service to his community.

Second, it is of particular significance to the indigent who, previously, being unable to pay Court-imposed fines, found jail time his only alternative.

Perhaps of most interest to the taxpayer, Alternative Community Service will save the County and City considerable amounts in jailing expenses and will provide the community many public services at no additional cost.

Procedures:

Courts: Assign Alternative Community Service hours. The number of hours is also set at this time according to established conversion tables from fine or jail time. Alternative Community Service assignments in eight-hour increments are more convenient for some volunteer agencies. Suggested parameters: 24 to 200 hours at the start. Later, the minimum could be lowered to eight hours, when we have found other resources that allow us to make direct placements of this sort ourselves. (i.e., Volunteer Coordinators such as Jeanne Barzar and Betty Hash should not be bothered for such short commitments.)

Issue warrants or arrange re-hearing in case of breach of Alternative Community Service agreement.

Acknowledge final completion of defendant's performance in docket, if successful completion is reported.

Alternative Community Service Component: Screens clients for:

- (a) Current address and phone number;
- (b) Employment situation;
- (c) Medical condition; and
- (d) Special skills and interests.

Examines arrest history, copy of docket, and disposition.

Collects insurance fee and places volunteer.

Sets completion date according to placement. Client signs agreement to abide by terms of program and of agency where assigned hours will be filled.

Monitors client's progress. Calls agency approximately once a month, depending on case and agency's preference.

Should client find difficulty adapting to volunteer position, according to explanation:

- (a) Reassign;
- (b) Extend time for completion; and/or,
- (c) File violation report.

In case of client assigned community service hours due to low income, if he finds work in the meantime or is able to get the money to pay the remainder of his commitment, this should be allowed, with the Court's permission.

It would be useful if either the director or one of the probation counselors of the department could attain some status to facilitate the issuance of summonses and warrants.

Agencies: Explain job and/or train volunteer for service to be rendered.

Explain rules and regulations of agency; and,

Supervise. Call Alternative Community Service coordinator in case of problems. In case of dissatisfaction, terminate volunteer and

inform Alternative Community Service coordinator.

Process:

The process, initially will require three main visits by the court volunteer to the Probation Department. The first will be right after sentencing, in which he will:

- (a) Fill out forms for vital background information and skills and interests;
- (b) Be informed of insurance fee to be paid; and,
- (c) Make an appointment to return in two or three days.

Between this time and when the client returns, the program coordinator will get a copy of the client's arrest history. Then, taking into consideration the prospective volunteer's strengths and weaknesses, various agencies will be contacted for possible placements.

On his second visit, the new volunteer will:

- (a) Pay the insurance fee;
- (b) Choose one of the placement openings; and,
- (c) Call the agency himself from the Probation Department, making an appointment to meet with the agency director;
- (d) The coordinator then sets the completion date for the assigned service;
- (e) The client signs an agreement to abide by the regulations of the Alternative Community Service program and of the agency where service will be performed; then goes to the agency with a referral sheet, explaining the rights and recourses of the agency, and a time completion card, to be filled out by the agency upon completion of the allotted hours.

The Alternative Community Service program coordinator would then await a call from the agency, indicating:

- (a) The client was accepted as a volunteer;
- (b) The client was not accepted, and why; or
- (c) The client did not appear for his appointment.

In a few cases, the new volunteer may find difficulty adapting to the placement or completing his community service hours. Then, depending upon the reasons given,

- (a) he will be reassigned to another placement;
- (b) his time will be extended;
- (c) a summons will be sent out for him to appear; or
- (d) a violation report will be filed with the Court.

During the period of assigned hours, the Alternative Community Service coordinator will call the agency, where the volunteer is placed, periodically for a report of the volunteer's progress, as well as to verify the completion date of the assignment.

When the service hours have been completed, the volunteer must bring the completion card back to the Probation Department. In case of failure to provide this documentation, the volunteer will be contacted and reminded. Should this effort fail, he will be reported to the Court for failure to complete the program.

In time, as this program evolves into a very smoothly running system, the first two visits will most likely be abbreviated into one. In the initial stages, however, extra care and caution must be exercised until matured experience dictates which steps may be simplified or deleted.

Enforcement:

We want to give the defendant a chance to prove his worth in this program, therefore, it is fundamental to this program's success that no real abuse be tolerated. In this sense, once the client has been given reasonable opportunity to either complete his assigned hours or, to exonerate himself where there has been a problem, strict enforcement of program regulations is necessary, and a violation report will be filed in case of negligence or lack of cooperation.

Progress Assessment and Evaluation:

Statistically, the effectiveness of the Alternative Community Service program could be determined through comparison of its rates of recidivism with those of defendants jailed, fined and put on probation, provided that



backgrounds and offenses were equivalent. Probably most important to the public, however, would be the cost benefit. What services did the community gain from this program, and what were they worth in dollars and cents? Also, before the program started, what was the rate of failure to pay fines, expressed either in dollars or, as a percentage? How has this program affected these rates?

On a more subjective level; what were the agencies' responses? Did they find the court-referred volunteers truly to be of value? How were the volunteers' sense of responsibility, work performance, and attitudes during their time of service?

From the Probation Department: Did attitudes change after placement? How did they change? Was paperwork kept to a minimum; i.e., was all pertinent information included and confusion avoided? The volunteers themselves could also be asked in a questionnaire for their reactions to the program.

#### Implementation:

Primary to instituting such a program is the process of informing the governmental agencies that will be working with Alternative Community Service, to gain the support of those who will be involved. These conditions have been systematically fulfilled by the Pierce County District Court Probation Department during the latter half of 1977, in anticipation of the Alternative Community Service program.

During the summer, project approval was gained from:

- (a) The judges of Pierce County District Court Number One, by unanimous vote;
- (b) The judges of Tacoma Municipal Court; and,
- (c) The Director of the County Department of Assigned Counsel and the County Prosecutor.

Informed during the summer were:

- (a) The Probation Department's staff;
- (b) The Chairman of the County Commissioners; and later,
- (c) The other two County Commissioners at the department's first budget hearing for fiscal year 1978; and,

- (d) The County's Insurance Committee, to develop an insurance program.

During the fall and early winter the department informed:

- (a) The Many outlying municipal court judges, one by one; and,
- (b) The Chief Criminal Deputy for county handling of misdemeanor cases; and,
- (c) Other county or municipal probation departments that have experience with Community Service Restitution.

Those government agencies most intimately linked with the project thus being advised and necessary approval secured, the development of the program itself was then possible. To this end, a C.E.T.A. assigned Program Developer, C. Murray Twelves, was then hired to do the main ground-work to establish the program and eventually have it absorbed by the Probation Department. To initiate this phase:

- (a) Various volunteer administrators in the community were contacted:
  - i. To locate placement possibilities for the future program; and,
  - ii. To collect input from the different agencies regarding their needs and expectations;
- (b) Research was done into other Community Service Restitution programs:
  - i. Through the perusal of literature on the subject;
  - ii. Through interviews with directors and staff members of functioning programs in other jurisdictions;
- (c) Goals were established for our own community's project; and,
- (d) Forms and filing procedures, and conversion rates for jail time or fines to community service hours were established.

After establishing our goals, based largely on input from other programs similar to ours and from various volunteer administrators whom we will work with, our own plan was conceived. It is unique, we feel, in certain ways, thus having some new ideas to offer future Alternative

Community Service projects. At the same time, it rests upon the firm foundation of proven experience from other programs.

To assure ourselves a smooth start, the plan was submitted to the Citizens' Advisory Board component of the Probation Department and to a meeting of volunteer administrators of the community, the Court Administrators of Pierce County District Court Number One and Tacoma Municipal Court and to representatives from existing Alternative Community Service programs for constructive criticism.

After a final rewriting, based on the above-mentioned feedback and review, the plan will go to the judges of Pierce County District Court Number One and of the Tacoma Municipal Court for final approval, before implementation. Initially, it will accept a limited number of referrals (approximately fifteen per month) until the program's potential is established.

Proposed Conversion Rates: (C.S.R. hours limits: 24-200 hours)

Fines: \$3.00/hr.                      Range: Fines of \$72.00 - \$600.00

Jail: One day/4 hrs.                      Range: Jail time of 6 - 50 days

Most Alternative Community Service programs have the same conversion for fines as above. Customary for jail time is eight hours of community service for one day in jail. We feel that the latter is unreasonable for our purposes. It limits flexibility in that it would only allow for a range of 3 - 25 days jail time. We also feel that the positive effects of four hours of community service would already be greater than those of one day in jail, such that there is no reason to require more.

Conclusion:

The client is received into an atmosphere of respect and enthusiasm for the project he or she is about to undertake. Appreciation for the service he is soon to render is also communicated immediately, so that the client will see himself as a valuable person and develop more an attitude of true volunteering. We do not want the client to see Alternative Community

Service so much as punishment for what has been done, but rather as a new opportunity to see those around him in a more positive light, and to respond to them with a greater sense of responsibility.

#### Appendix IV

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IV-B Travis County Adult Probation Office Letter to Community Agencies Requesting CSR Placements	210

#### Appendix IV-A

##### TRAVIS COUNTY COMMUNITY SERVICE RESTITUTION PROGRAM

The Citizens' Advisory Board to the County Courts-at-Law was formed to consider whether a program of community service restitution should be developed in Travis County for misdemeanor cases filed in the County Courts-at-Law, to outline the structure of such a program if one is considered desirable, and to assist in making such a program an operational reality. The Board has met a number of times during the past several months and has received the benefit of technical advice from H. Ted Rubin, Assistant Director of the Institute of Court Management in Denver, Colorado. The Board has discussed in detail the existing process of handling misdemeanor cases in the County Courts-at-Law and has studied the Community Service Restitution program already in place in the misdemeanor court system in Tacoma, Washington.

The Board understands Community Service Restitution to be a program in which the offender undertakes to repay a portion of his or her injury to society occasioned by the offense by performing useful work for a governmental or voluntary social agency. The Board further understands that Community Service Restitution is an extremely flexible program and that it can be used in lieu of all or part of a fine or in addition to a fine, depending upon the circumstances of the case.

The Board makes the following findings and recommendations:

First, the Board believes that the citizens of Travis County would benefit from a Community Service Restitution Program in the County Courts-at-Law. The program would make more meaningful criminal sanctions in misdemeanor cases and would increase the tendency of criminal sanctions to deter others from the commission of crime. It would do so without sacrificing the humane values of the criminal process in that the offender would be given the opportunity to repay the community for his or her offense by doing work in programs that benefit the entire community. Such a program would be of particular benefit to indigent persons who would otherwise experience great difficulty and financial sacrifice to themselves and their families in the payment of the full amount of fines. While promises of rehabilitation cannot be made, it is the firm belief of the Board that a program of Community Service Restitution holds the potential for assisting in the rehabilitation of many of the offenders who participate in it. Further, the offender could receive the concrete and significant benefit of an employment reference from the agency for whom he or she worked upon successful completion of the program with that agency. The labor itself would be of benefit to the governmental or voluntary social agencies who would be the hosts for the program. Finally, the public at

large would view the criminal justice system and its component officials and agencies favorably for attempting to do something constructive about the crime problem in our community.

Second, the Board is firmly of the view that a program of Community Service Restitution should not be seen as signifying a shift toward either being softer on crime or more severe with criminal defendants. It is, instead, a fair and sensible way of responding to the crime problem at the misdemeanor level. By expanding upon the range of sanctions available to the courts it will increase the likelihood that sanctions will be selected that will truly be appropriate to the offense and the offender.

Third, the Board is of the view that a program of Community Service Restitution for Travis County should have the following characteristics: (1) A specified number of hours of work for a specified community service agency should be required as a part of the disposition of each case involving community service restitution. (2) The number of hours and the agency involved should be specified before the case is disposed of so that participation in the program can be made an enforceable condition of the disposition of the case with least possible disruption of the court process. (3) A rate of exchange should be established to value the hours of community service work in terms of fines and jail sentences. The Board believes that the rate of exchange in effect in the Tacoma, Washington program provides a good model. It, therefore, recommends a rate of exchange of \$3.00 per hour for fines and 4 hours per day for jail time. (4) The Board believes that the program should have minimum and maximum periods of participation. A minimum period is necessary to assure that the work is of real benefit to the host agencies and a maximum period to assure that the program not extend beyond that which is of real benefit to the offender. The Board recognizes the Tacoma, Washington program as providing a good model, where the minimum period is 24 hours and the maximum period is 200 hours, and it recommends those periods for Travis County. The Board wishes to emphasize that the minimum and maximum periods are guidelines only and may be departed from in extraordinary cases. (5) The Board believes that the program should be available only to public or not-for-profit private social agencies and should not be available to a private business or other profit-making operations. (6) The Board believes that the work required in the program should not include work that may pose a danger to the public, such as providing transportation in an automobile or other vehicle, and work that may endanger the participant, such as construction work or maintenance work that involves a significant risk of injury. (7) The Board believes that the dispositional order in which the Community Service work is specified should clearly provide the sanctions for failure to perform the work as required and, when appropriate, should specify that the individual may terminate work by paying that portion of the fine remaining or by surrendering himself or herself for service of the remainder of the jail sentence.

Fourth, the Board is of the view that the program should become available when it is fully implemented at three distinct stages in the criminal process: (1) As a condition of probation in lieu of payment of a portion of the fine or in addition to payment of fine; (2) As a condition of deferred sentencing, in which the court accepts a plea of guilty or no contest and defers sentencing until the individual has performed the agreed-upon community service restitution; and (3) As a condition of deferred prosecution, in which prosecution of the case is deferred until the individual has performed the agreed-upon community service restitution. Although the Board is of the view that the program should be available at all these stages of the criminal process, it recommends that initial efforts to establish the program be made at the probation stage and that when the program has proved its value there that efforts then be made to expand to other stages. The Board strongly encourages experimental uses of the concept of community service restitution in deferred sentencing and deferred prosecution situations, but recommends that resources to implement the concept as a program be first concentrated on probationers.

Fifth, the Board is fully aware that this or any program of Community Service Restitution must be employed selectively in order to become effective. It further recognizes that the determination of whether the program would be of benefit in any particular case must be made by the officials who bear operational responsibility for the criminal justice process. For these reasons, and because one of the major benefits of the program is its applicability to a wide range of sentencing circumstances faced by the misdemeanor courts, the Board does not recommend that any category of offense or offender be excluded from eligibility for participation in the program.

Sixth, the Board recommends that operational responsibility for the program be given to the Travis County Adult Probation Department. The Department's functions under the program would include the following: (1) Assemble and keep refreshed an inventory of community service agencies willing to participate in the program; (2) Assess and recommend to the courts whether particular defendants should participate in the program; (3) Monitor participation in the program from agency reports; and (4) Report failures to participate to the courts or other appropriate officials.

Seventh, the Board contemplates that in the vast majority of cases defendants will become participants in Community Service Restitution as a result of plea discussions between their counsel and the County Attorney's Office and will become participants only when prosecutor and defense counsel have agreed on the terms of participation and the court, acting upon probation department and prosecutorial recommendations,



has approved of the particular program. However, the Board also recognizes that participation in the program may be appropriate even when the disposition of the case has not been negotiated between the attorneys, such as when the defendant has been found guilty by judge or jury or when an unnegotiated plea of guilty or no contest has been entered. In such an event, the court would be free to impose community service restitution as part of the disposition of the case and may be expected to call upon the Probation Department to explore that possibility should the court seek a presentence report.

Eighth, when community service restitution is proposed as part of a plea agreement between defense attorney and prosecutor, the Board is of the view that it is of great importance that the question of the suitability of the defendant for participation be investigated by the Probation Department prior to appearance in court for the plea of guilty or no contest in order to avoid imposing an additional court appearance on the already crowded dockets of the County Courts-at-Law. The question of suitability should be submitted when the defendant's application for probation and social history information form are submitted to the Probation Department prior to the plea acceptance hearing.

Ninth, if the contours of the program as proposed by the Board are acceptable to the courts, the prosecutor, and the Probation Department, the Board believes that the initial inventory of agencies willing to participate should be assembled as soon as possible. To that end, the Board has contacted three students in the undergraduate school of social work at the University of Texas who have indicated willingness to make the initial agency contacts as a class project in one of their courses.

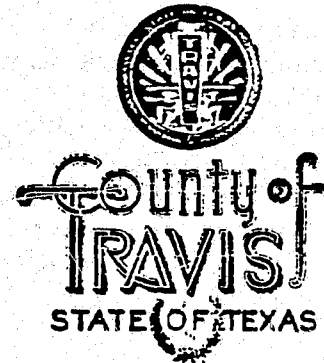
Tenth, although this program is termed "Community Service Restitution" it should not be confused with money restitution to the victim of the offense. The Board is firmly of the view that the Courts should continue in their present practice of ordering money restitution when appropriate and that Community Service Restitution should not be used as a substitute for appropriate monetary restitution. The Board does believe, however, that when the "victim" of the offense is the State of Texas or another governmental entity, that it would be appropriate for the court to order Community Service Restitution in lieu of monetary restitution to the governmental unit defrauded or damaged.

Eleventh, the Board expresses its concern that a program of Community Service Restitution not evolve into a program that is used exclusively for poor persons and in connection with that concern once again points out that the program can be used in addition to fines when the case has been adjudicated without a negotiated settlement between prosecution and defense.

Twelfth, the Board believes that the contours of the program should be worked out with the officials with operational responsibility for the criminal justice process and only when agreement has been reached, should the program be explained to the bar generally and to the mass media in order to achieve maximum exposure for the program and assure the widest possible acceptability.

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ADULT  
PROBATION  
OFFICE



COUNTY  
COURTHOUSE ANNEX  
AUSTIN, TEXAS

Dear

The Citizens Advisory Board to the Travis County Courts-At-Law has been formed to consider whether a program of Community Service Restitution should be developed in Travis County for misdemeanor cases filed in the County Courts-At-Law; to outline the structure of such a program if one is considered desirable; and to assist in making such a program an operational reality.

The Citizens Advisory Board, after meeting extensively over a period of four (4) months with the Judges of the County Courts-At-Law, the County Attorney's Office, the Travis County Adult Probation Department and with H. Ted Rubin, Assistant Executive Director of the Institute for Court Management in Denver, Colorado, recommended that a Community Service Restitution Program be implemented in Travis County. It was the feeling of the Board that the program would make more meaningful criminal sanctions in misdemeanor cases. The Board further recommended that the Community Service Restitution Program be placed under the auspices of the Travis County Adult Probation Department.

Community Service Restitution is a program in which the offender undertakes to repay a portion of his or her injury to society caused by the offense, by performing useful work for a governmental or voluntary social agency.

Offenders selected to participate in the program are those that have not established a criminal lifestyle that would cause them to be a danger to society. It was also the recommendation of the Board that the offenders who had an established criminal pattern such as hard-core alcohol offenders, the drug abuser, and the sex offender, be excluded from the program.

Within the next few days you will be contacted by Mr. Scott Barber, Ms. Maridine Margolis or Ms. Norma Sanchez, who are students at the University of Texas School of Social Work, requesting a scheduled meeting with you. The basis of the meeting will be to provide you with additional information concerning the program and hopefully get a commitment from you as to your willingness to participate in a program that will be innovative in Travis County, which will allow the Courts to have more flexibility in sentencing the offender.

We thank you in advance for your consideration.

Sincerely,

*Giles Garmon*  
GILES GARMON, DIRECTOR  
Adult Probation Department

*Gerald F. Henderson*  
GERALD F. HENDERSON  
Assistant Director for  
Volunteer Services  
Travis County, Texas

GFH:jz

Appendix V

V-A Calendar Excerpt, Corpus Christi  
V-B Control Card, Mankato  
V-C Control Card, Corpus Christi

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Appendix V-A

Nueces County Courts at Law (Corpus Christi)

Calendar Excerpt Prepared by Xeroxing  
Tops of CMIS Cards

J F M A M J J A S O N D 75 76 77 78 79 80 81 B C AC

CASE # 71610 3 SPEEDY TRIAL DATE 1-29-80  
SPEEDY TRIAL WAIVED

NAME: GRANVILLE C.

DEF. ATTY.: OFFENSE: D W I

J F M A M J J A S O N D 75 76 77 78 79 80 81 B C AC

CASE # 69878-3 SPEEDY TRIAL DATE 6-22-79  
SPEEDY TRIAL WAIVED

NAME: Charlie

DEF. ATTY.: OFFENSE: Carrying a pistol

J F M A M J J A S O N D 75 76 77 78 79 80 81 B C AC

CASE #: 69312-3 SPEEDY TRIAL DATE 4-13-79

NAME: *James* OFFENSE: *Exc.*

DEF. ATTY.: *Wanted* BONDSMAN: *CC*

J F M A M J J A S O N D 75 76 77 78 79 80 81 B C AC

CASE # 70118 3 SPEEDY TRIAL DATE  
SPEEDY TRIAL WAIVED

NAME: *Michael*

DEF. ATTY.: OFFENSE: *D.W.I.*

BONDSMAN: *Coughlin Bond*

CT. APP. ATTY.  
ATTY. WAIVED

BOND FORFEITURE:

ARREST DATE: 4/22/79

FILING DATE: 5/4/79

Revocation	DISPOSITION	SENT.	AGE	Arraign Date
D W I				Contd
Theft				Pretrial 6-22-79
Drugs				Contd
Bodily injury				Trial 6/20 9:00
Other				Contd 6/29-9:00
Weapons				Contd
D W L S				Contd
M V Appeal				Sent.
				Contd

Appendix V-B  
Blue Earth County Court (Mankato)  
Case Progress Control Card

J F M A M J J A S O N D												C	CPT	PSI	B	CAC																				
NAME: _____												FILE NUMBER: _____					OFFENSE DATE: _____					AGENCY: _____					OFFICER: _____					PROSECUTOR: _____				
PHONE: _____												LOCATION: _____					EH					PT					CT					JT				
OFFENSES DWI Careless/Reckless Simple Assault Theft D.O. Conduct DAR/DAS Speeding Open Bottle Parking Tickets Other _____ Reduced Charge												TYPE OF DISPO. Dispo. Before Trial Guilty Plea at Trial Court Trial—NG Court Trial—G Jury Trial—NG Jury Trial—G Dismissed					SENTENCE Jail Jail Suspended Fine _____ BF Fine Suspended Jail and Fine					Probation Date _____ Probation Completed Safety Seminar Seminar Completed Driver Improvement DI Completed Drug Course DC Completed Concurrent Consecutive					CONT'D. One Two Three Four Over Four									
												FTA Date: _____															AGE 30 days or less 31-60 days 61-90 days over 90 days									
																											Prob. Rev. H. _____									
																											Sent _____									
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																											Cont'd. _____									
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																											Evid. H. _____									
																											Cont'd. _____									
																											Cont'd. _____									
																											Cont'd. _____									
																											App. Date _____									



J F M A M J J A S O N D 75 76 77 78 79 80 81 A B C AC											
CASE #						SPEEDY TRIAL DATE					
NAME:						SPEEDY TRIAL WAIVED					
DEF. ATTY.:						OFFENSE:					
CT. APP. ATTY.						BONDSMAN:					
ATTY. WAIVED						BOND FORFEITURE:					
						ARREST DATE:					
						FILING DATE					
Revocation		DISPOSITION		SENT.		AGE		Arraign Date			
D W I								Contd.			
Theft								Pretrial			
Drugs								Contd.			
Bodily injury								Trial			
Other								Contd.			
Weapons								Contd.			
D W L S								Contd.			
M V Appeal								Sent.			
								Contd.			

**END**