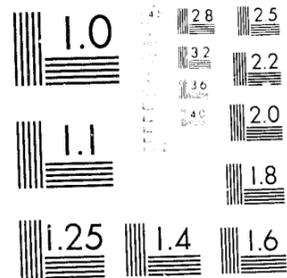


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release agency's response to the Federal Court Order.

The Process of Elimination: Understanding Organized Crime Violence.—In this article, authors Dintino and Martens of the New Jersey State Police suggest that the use of violence by organized criminal networks may be analyzed from three varied but complementary perspectives, all of which permit police administrators to more accurately assess enforcement strategies directed toward organized crime.

Probation Caseload Management Programs: Prescriptions for Implementation.—Although systematic caseload management models have a great deal to offer adult probation, a formidable assortment of implementation difficulties and reorganizational problems appears to have dampened administrative interest in such programs. This article by James O. Sullivan, Jr., of the Connecticut Office of Adult Probation presents a series of prescriptive recommendations intended to provide the interested administrator or potential project manager with useful insight and practical information.

Client Specific Planning.—Leonard N. Berman and Herbert J. Hoelter describe a model program—developed by the National Center on Institutions and Alternatives—whereby individualized, alternative-to-prison sentencing proposals are presented for consideration by the courts. Implemented initially in Virginia, Maryland, and the District of Columbia, the Client Specific Planning Project accepted 96 referrals in its first 9 months. Acceptance of Plans by the courts occurred at about a 75 percent rate.

Restraints: Therapeutic Transition Following Application.—Dr. Shelle G. Dietrich, clinical

psychologist at the Federal Correctional Institution at Lexington, Ky., presents a case history of an inmate patient who required restraints at the institution's Female Psychiatric Unit. The process of graduated stages of increased environmental control, therapeutic intervention at each regressed level, and the therapeutic transition out of restraints are discussed.

The Juvenile Court Needs a New Turn.—The constitutionality of the juvenile court system would appear to be well established; and so it is, according to numerous court decisions. The basis is simple: The courts are noncriminal, hence informal procedures may be used and most requirements of criminal procedure do not apply. The trouble is that in most jurisdictions the non-criminality is fictional, mythical, or contrary to fact. The constitutionality of the court, therefore, is subject to attack and, if the courts are to survive such attack, asserts Sol Ruben, the statutes governing their procedure have to be strengthened and their basis has to be founded on actual practice.

Juvenile Intake Decisionmaking Standards and Precourt Diversion Rates in New York.—The probation intake process is widely accepted today as an integral part of the juvenile justice system, reports Professor Charles Lindner of the John Jay College of Criminal Justice. The process, he states, provides for the removal of trivial or inappropriate cases, as well as those that can be better served nonjudicially. He then discusses the intake process in New York State and its statutory safeguards which the President's Commission on Law Enforcement and Administration of Justice, in 1967, cited as an example for other jurisdictions.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

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cation of these views to the Bureau of Prisons and the Parole Commission.

Conclusion

Although sentencing marks the end of a criminal proceeding in the trial court, a sentence of imprisonment is also the beginning of a process presided over by prison and parole authorities. To

a substantial extent, the meaning of such a sentence is determined by these authorities. Their policies therefore have implications for the performance of the judicial role — both for the duty to select an appropriate sentence and for the duty to ensure procedural fairness. The sentencing judge has no serious choice but to pay those policies close heed and adapt his or her own practices in response to them.

Federal Court Intervention in Pretrial Release: The Case for Nontraditional Administration

BY GERALD R. WHEELER, PH.D.

Director, Harris County PreTrial Services Agency, Houston, Texas

IN THE 1980's local and state criminal justice programs will be increasingly subject to Federal court intervention and monitoring. To comply with standards set by the court, administrators will be required to meet specific objectives in an atmosphere of unprecedented accountability and strict time frames. Some officials may regard this task as equivalent to carrying out "mission impossible." Others, however, may seize upon this historical moment to form new organizational structures designed to elicit employment commitment and achieve constructive professional goals—heretofore considered politically and bureaucratically unfeasible.

A brief background: In Harris County, Texas, the reality of responding to a detailed Federal Court Order set forth in *Alberti v. Sheriff*¹ was faced by all the significant actors involved in the administration of justice in December 1975. After an extensive examination of county jail and the administration of the county pretrial release agency, U. S. District Judge Carl Bue, Jr., issued a sweeping order directed at "improving the operations of the pretrial release program, streamlining other criminal justice procedures and improving the deplorable conditions in county detention facilities, especially at the downtown jail."² This report will present the Federal judge's

view of the political and organizational constraints impeding the development of a cash bail alternative for criminal defendants in a major southwest jurisdiction. In addition, the report will cite specific administrative deficiencies and court mandated remedies to establish a viable pretrial release program. Finally, the author will describe the administrative strategy and action employed to comply with the Federal Court order.

Factors Contributing to Failure of Pretrial Release

Cited Reasons for Agency Ineffectiveness: On December 16, 1975, Judge Bue issued a 90-page court memorandum and opinion directed at remedying the overcrowding of the county jail. The pretrial release agency was seen as an integral mechanism to help reduce the jail population. The judge was critical of the agency's operations and the political and organizational factors contributing to its failure. Below are a few of the reasons cited by the court for the agency's ineffectiveness and administrative deficiencies.

- (1) The agency is harassed by professional bondsmen;
- (2) The agency's budget is inadequate;
- (3) The agency has inadequate numbers of personnel, inadequate supervision, inadequate training, and inadequate internal procedures;
- (4) The agency fails to screen and interview properly all incoming inmates;

¹*Alberti v. Sheriff*, 406 F. Supp. 649 (H.D. Tex. 1975).

²*Ibid.*

(5) The agency has failed to maintain credibility with the judiciary because of its lack of success in ensuring timely appearance or receiving prompt retrieval of a defendant who forfeits his PTR bond.³

The significance of bondsmen's harassment: The political influence and perseverance of bondsmen cannot be exaggerated. In 1975 over 2,000 felony and serious misdemeanor surety bonds were written monthly. This compared to a monthly average of 196 PTR bonds.⁴ Judge Bue was candid about the political clout of bondsmen and its negative effects on pretrial release.

By far the most significant single factor influencing the agency's lack of success was the organized effort of commercial bail bondsmen to sabotage the agency.

The Commissioner's Court has done little more than provide a brittle skeletal framework for the one agency which was intended to possess sufficient strength to blunt the force of a rapidly expanding jail population.

The result is an agency which has almost ceased to function as a viable component of the Harris County Criminal Justice system.⁵

The bondsmen persisted in misrepresenting failure-to-appear figures, pretrial crime and emphasizing the loss of tax dollars caused by non-collection of outstanding PTR bond forfeitures. Statistics on surety bond forfeitures and crimes committed by defendants on surety bond were never available for public scrutiny. Therefore the first item addressed in the court order was the effort to rescue the county's pretrial release program. "Operational control of the Harris County PreTrial Release Agency will be transferred to the State District Judges of Harris County."⁶

The intent of the court order was to establish an independent pretrial release agency with the administrative capability to expand services to all detained defendants charged with felony and serious misdemeanor crimes. Agency autonomy was achieved by transferring control of the pretrial release agency from Commissioners Court to the State district judges of Harris County. While the Commissioner's Court retained budgetary approval of the agency, the district judges had the primary responsibility for hiring the director, evaluating agency personnel, and determining the budgetary needs. Judge Bue justified this action "in order to immunize the agency from political pressures previously brought to bear on the

³*Ibid.*

⁴*Ibid.*

⁵*Ibid.*

⁶*Ibid.*

⁷*Ibid.*

⁸Art. 2372 p-2 V.T.C.S.; Harris County Pretrial Release 1976, Approved Budget (Memorandum, January 1976).

⁹*Alberti*.

¹⁰*Ibid.*

¹¹*Ibid.*

¹²*Ibid.*

¹³*Ibid.*

Commissioners Court by the professional bail bondsmen who view the agency as an economic threat to their profession."⁷

The need for adequate budget: In December 1975 the yearly budget for the pretrial release program was \$132 thousand. In January 1976 the county approved a \$249 thousand budget calling for an increase of staff from 13 to 28 full-time positions. Nearly \$83 thousand, or 33 percent, of the 1976 budget was made up of fees collected by the agency. This resulted from a State law that allowed a county personal bond office to collect 3 percent of the bond amount.⁸

Lack of personnel standards and administrative leadership: At the time of the court order personnel standards outlining job qualifications and duties and written internal procedures were, for the most part, nonexistent. There was little relationship between staff assignment and the workload. The agency had no leadership, and procedures to release defendants were inconsistent and arbitrary. In terms of substantive program change Judge Bue emphasized the need to design a "uniform objective point system."⁹

He also stressed that dangerous persons should no longer be released solely because they can afford a money bond.

The new pretrial release system should operate to make the community safer and to eliminate arbitrary bond decisions by shifting the focus of the evaluation scheme from an absolute reliance upon ability to pay and type of offense charged to two or more relevant criteria: safety of the community if the person is released; and likelihood of the person's appearance in court if released on recognizance.¹⁰

The court further stipulated:

The Commissioners Court may not restrict the operation of the agency to assist only indigent persons. *Preventing access to release on recognizance for all persons denies them due process and equal protection of the law (Italics added).*¹¹

Inadequate Access and Screening of Detained Defendants: The court order pointed out that "the agency fails to screen and interview properly all incoming inmates because the agency uses a time consuming interview process premised upon the need to make a subjective evaluation of an interviewee to determine his eligibility for release."¹² Due to office space limitation, lack of cooperation of law enforcement officials operating the jail, procedural barriers, and inadequate personnel, the agency was unable to interview defendants on a 24-hour-per-day basis. Barely half of the detained defendants were contacted and the information gathered was often of so poor quality as to preclude release consideration. Furthermore, of those persons released on PTR, half were detained an average of 50 days before release.¹³

To facilitate timely access to defendants the court mandated that "necessary staff must be provided so that the agency can operate on a 24-hour-per-day basis."¹⁴ The agency was instructed to hire the interviewers and support staff required to contact defendants at the time of booking in both the city and county jails. Judge Bue also specifically addressed the problems of office space.

Coordination efforts will be made with city of Houston officials to install a branch office of the Pretrial Release Agency in the Houston Municipal Courts Building and interview space for the agency in the Houston City Jail.¹⁵

To avoid unreasonable delay between arrest and interview by pretrial release, and thereby create an incentive for applying for release on recognizance, Judge Bue emphasized "the fundamental importance of establishing a procedure whereby the pretrial release interview is made an integral step in the intake process."¹⁶

Of equal importance to reducing the pretrial jail population, the commissioners were ordered to establish a 24-hour preliminary hearing system for felony cases where "the magistrate shall determine whether the accused is eligible for release on recognizance."¹⁷ At this hearing a "staff attorney" employed by the State District Court represented defendants who did not have their own counsel and pretrial release representatives presented information and instructed defendants granted pretrial release.

Prior to the 24-hour hearing, pretrial release staff had to spend inordinate amounts of time tracking down defendants. Defendants did not appear before a judge unless their attorney requested it or until after indictment by the grand jury, which could take weeks.

Lack of Agency Credibility With the Judiciary: Most of the credibility problems between the pretrial release and the judiciary were attributed to poor defendant notification and monitoring procedures. The Federal judge cited the following deficiencies:

- (a) The agency fails to notify a defendant of the time to appear in court;
- (b) The agency utilizes no system to check for an absentee before his scheduled court setting is called;
- (c) The agency makes no effort to locate an absentee prior to forfeiture of the bond;
- (d) After forfeiture, the agency does not authorize a prior-

ity effort to retrieve a defendant and bring him to custody; and

(e) The agency does not maintain accurate records of the number or identity of all defendants released on personal bonds.¹⁸

To correct the above deficiencies Judge Bue instructed that the pretrial release agency have access to the computerized justice information system and be provided with remote data terminals.

The agency was also ordered to institute a post card court appearance notification and check-in system for PTR defendants. "The post card reminder system in combination with a required appearance in the agency's county office one hour prior to the scheduled court setting alerts agency personnel about tardy defendants."¹⁹

In terms of retrieving PTR bond forfeitures, Judge Bue outlined the need for the Sheriff's Department to utilize a computer generated daily report on bond forfeiture. "The Sheriff should ensure that such individuals are retrieved immediately and that successful retrievals are promptly recorded into the tracking system to alert both the court and the agency that the defendant is in custody."²⁰ Finally the *Alberti* Decision set forth detailed weekly and monthly statistical reports which necessitated redesigning the agency record system.

Heretofore, we have reviewed the Federal Court's justification for intervening in the operation of Harris County's pretrial release program and outlined procedural remedies imposed by the court. The next section will focus on the corrective action taken by the pretrial release administration to comply with the terms of the court order.

Administrative Problems, Strategy, and Action To Revitalize Pretrial Release

Call for Vera Expertise by Court: Notwithstanding the budgetary rescue of the pretrial release program, staff morale was extremely low and the agency continued to operate without administrative direction. Early in 1976 the director resigned and the agency was administered by an acting director until March 1977.

In October 1976, the Federal Court appointed Ombudsman, James Oitzinger, reported that: "... making the agency responsible directly to the District Judges has substantially eliminated the heavy 'political' influence injected into agency operations under the previous system. Singular supervision by the Criminal District Judges is highly preferable to the previous rule by 'committee' and should be maintained."²¹

Nevertheless, despite these changes, the agency has not, nine months after the entry of the court's December 16 order, had the impact on county criminal justice and jail population of which it is capable nor which was contemplated by the court.²²

The report stressed the unduly subjective interviewing method and the complications injected by other agencies. The Ombudsman recommended that commissioners take action to accelerate accessibility by pretrial release interviewers to prisoners at the city jail and to upgrade the interview space. Although pretrial release staff started interviewing defendants in the city jail in April 1976, the interview environment was restrictive and dehumanizing. Interviews were conducted in a small visitor's room where the defendant and visitor were separated by a metal partition. Acoustics, visibility, and ventilation were poor. Finally, the Ombudsman contended that establishing a credible pretrial release program was contingent on having Vera Institute expertise. In July 1976, Judge Bue issued an interim order to improve the administration of PTR in Harris County.²³

Because the evidence . . . was overwhelming that Vera Foundation expertise is absolutely essential to the proper updating of the procedures employed by the Harris County Pretrial Release Agency, this court hereby orders that the Commissioners Court approve at once the expenditures of fund necessary to obtain such services as are deemed necessary.²⁴

The New Mission of Pretrial Release: In March 1977, the district judges appointed a new director and contracted Vera to evaluate the program. According to Vera, the agency should be recognized as a court service agency providing objectively verified community ties and past criminal history information on defendants. In May of that year the agency's name was changed to Pretrial Services Agency (PTSA) to reflect the change of function from "release" to "information gathering."²⁵

It was evident that the agency was beset with serious staff and organizational problems. The deficiencies cited by the Federal judge were still present. Only half of the potential defendants were contracted by the agency. Staff continued to subjectively screen defendants and follow work schedules which had no relationship to the workflow. Only a token force of staff worked midnight, evening and weekend shifts. Supervision was lax and it was apparent that senior staff were locked

¹⁴*Ibid.*

¹⁵*Alberti* (Interim Order December 2, 1976).

¹⁶*Ibid.*

¹⁷*Organization and Operations of the Criminal Justice System and the Pretrial Release Agency of Harris County* (New York: Vera Institute of Justice, June 1977).

into weekday only schedules; whereas new employees were assigned less desirable shifts without adequate understanding of the administration of justice process and most importantly, court procedures. Staff turnover was rampant. People assigned to evening and midnight shifts became disillusioned and saw no hope of a day assignment.

One third of the staff were enrolled in some type of school program which resulted in more absences during exam periods. Indeed, the agency was surviving from one day to the next for lack of administrative direction.

Setting New Organization Priorities: Upon early analysis by Vera and the director it was concluded that major reorganization of the agency and reorientation of staff expectations were required to comply with the court order and the new policies set by the district judges. In addition an alternative to the dehumanizing interviewing environment in the city jail was needed. Administratively, the director has important advantages. Harris County was not hampered by civil service regulation. Department heads had sole authority to write job descriptions and assign personnel according to the needs of the program. But the past lack of written job descriptions and qualifications set the tone of administrative anarchy. Individuals often worked their own hours. People were recruited for the agency on the basis of expediency and "good old boy" network, without regard to educational or work experience in criminal justice. Judges actually referred to pretrial release employees as "students."

Thus the director was forced not only to implement the agency's new goals, but to get administrative control of a "leaderless" department. In addition, new program goals had to be effectively translated to the Federal Court, 12 State felony courts, 8 county misdemeanor courts, 15 justices of the peace and 2 major law enforcement agencies. A nontraditional management approach was needed to rationalize the organizational structure and meet Federal Court standards within a reasonable time frame. The administration had to come to grips with the inherent problems of managing a complex, high volume and labor intensive work environment. Over 100 defendants had to be contacted, interviewed and screened every 24 hours. From 700 to 1,000 PTR defendants would require daily monitoring for rearrest and court appearance outcome. Staff had to be recruited who could quickly learn to negotiate information gathered via computer terminals and manual detective type searches of the jail. Knowledge of

¹⁸*Ibid.*
¹⁹*Ibid.*
²⁰*Ibid.*
²¹*Ibid.*
²²*Ibid.*
²³*Ibid.*
²⁴*Ibid.*
²⁵*Ibid.*

²¹James Oitzinger, *Ombudsman Report* (October 1976).

the idiosyncracies of 35 courts, and formal and informal jail booking and release procedures had to be assimilated. While adjusting to these demands, the administration had to cope with the disconcerting factor of high (60%) annual turnover of interviewer staff, characteristic of low paying unattractive shift work in a city with low unemployment.

Given the above factors, it was recognized that reliance on traditional vertical staff-supervisory hierarchical relationships governed by rigid functional specialization, seniority, one-man, one-boss principle and permanent work arrangements must be modified or abandoned. Indeed, the administration had to develop an organizational structure that took into account agency needs in two interrelated areas: First the administration must establish operating and evaluation procedures that enhance credibility with the criminal justice community and the public. Second, the agency must enlist individuals committed to quickly learning and executing bureaucratic tasks in a changing and complex criminal justice environment. Thereby the agency would satisfy the standards set forth in the *Alberti* decision. Before addressing agency strategy and effort in these areas, a brief description of nontraditional agency structure is appropriate.

Features of Nontraditional Organization Structure: Because most criminal justice practitioners are familiar with traditional organization structure, no attempt will be made to elaborate upon its advantages or disadvantages. Rather, it is the author's desire that practitioners and administrators have the opportunity to understand the nature and merits of nontraditional management in Harris County Pretrial Services and in its implications for their organization.

Writing in *Harvard Business Review*²⁶ Douglas S. Sherwin outlines strategy of winning employee commitment through the adoption of a creative management philosophy and utilization of non-traditional organization forms. Creative management calls "for management to rely not on power which is rapidly becoming an impotent tool of direction, but on philosophy of leadership emphasizing shared objectives."²⁷ According to Sherwin "it becomes every manager's responsibility

to enlist the people in the organization's cause and to provide the requirements of fellowship."²⁸ However, creative management does not connote weak leadership.

But no inference should be made that management operates with a low profile, that it is a mere facilitator, or that its decisions can be determined by vote, consensus, or democratic process. It must be tough. It must do its duty, contribute its input without vacillation, apology or guilt, and in spite of sympathy and empathy for individuals adversely affected. Otherwise the management input is anti-leadership, failing everyone.²⁹

While pointing out the importance of strong creative leadership, Sherwin offers four flexible organization forms to facilitate instilling shared objectives among employees. They are: (1) modular structures, (2) temporary assignments, (3) nonlinear structures, and (4) temporary structures.

Modular Structures: The term "modular structure" means a small, autonomous unit with an explicit mission. "The purpose of such structures is to repair the emotion-neglecting effect of divisionalization of function."³⁰ Modular structures are not intended to forgo the benefits of specialization.

... let us specialize the work, but collect the fragments not in divisions, but in small organic, complete, mission-oriented groupings.

In such groupings members can more easily group and identify with the mission and individually influence the results. Each employee can more keenly feel the necessity of carrying his load. Failure stands out and so does success. The employee experiences his function as organic to the whole. And accountability becomes a factor for all employees, not solely management employees.³¹

In organizing modules, Sherwin stresses, an important consideration is to make sure the unit is large enough to include the necessary functions.

Temporary Assignments: In both the private and public sector the common practice is to permanently assign people to a position. Generally the person will only change positions in the organization through promotion, transfer, or demotion. In public settings the latter two are rarely utilized and promotion is usually predicated on someone else vacating a position. The negative effects of individuals becoming locked in positions can be debilitating for both employee and the organization. Employees are inclined to become stagnant and lose sight of organization objectives. Thus, observes Sherwin, "if permanent assignments contribute to a lack of movement that stifles commitment, we have to consider its alternative seriously."³²

... once we decide it is sufficiently important to inject movement into the organization, we will plan for the temporary assignment as we do for other objectives. We will lay out the positions objectives, strategies, economics, language,

²⁶Douglas S. Sherwin, "Strategy for Winning Employee Commitment," *Harvard Business Review on Management* (New York: Harper & Row, Publishers, 1975) pp. 669-685.

²⁷*Ibid.*, p. 669.

²⁸*Ibid.*, p. 675.

²⁹*Ibid.*, p. 675-676.

³⁰*Ibid.*, p. 680.

³¹*Ibid.*

³²*Ibid.*, p. 681.

problem areas, restraints, management systems, and whatever else a new incumbent needs to know to grasp its parameters quickly and contribute—then select employees for it whose experience and personality equip them to contribute quickly while growing in their jobs from the opportunity.

While those of us brought up on traditional practice might understandably shrink from the idea of temporary assignments, newcomers to a system already using them might like them. Indeed, some day employees may scoff at the "best man" syndrome of the earlier tradition—the fiction that the most qualified man or woman for a job is the one selected. They may think that assigning a man a job permanently because he got to it first makes less sense than giving others who are qualified a chance at it too.³³

Nonlinear Structures: When a person has two bosses, the structure becomes nonlinear. According to Sherwin, suspending the one-man, one-boss principle may be just as pragmatic as retaining it—because it works. Today there are many examples of nonlinear structures. This is particularly so at the executive level of business organizations where authority and responsibility are shared. It is also true in the criminal justice field, i.e., where a board of judges, set general policy but oversee administration of probation and pre-trial release programs in their own courts. Having more than one boss "multiplies paths of communication."³⁴ Sherwin asks:

Why not give the employee, say, two sets of purposes, objectives, and duties, having him report for each set to a different supervisor and making sure he has sufficient time to perform both jobs? . . . The result is no longer the single structures pyramid but a network of jobs and job relationships.

Occasionally suspending the one-boss rule would permit us to introduce diversity into the organization. Employees would have more opportunities for development, involvement, and fulfillment at work. Communication would be made easier by the increased number of reporting relationships. Commitment, in these circumstances, would be more readily given.³⁵

Temporary Structures: The conventional vehicle for implementing change and resolving crisis is the ad hoc structure. It is seen as a necessary expedient because the limitations of the "regular organization prevents it from achieving the desired end."³⁶ The obvious weakness of ad hoc structures is its members' orientation to their supervisors in their departments. One method of overcoming these weaknesses is "to give standing to temporary structures by preparing guidelines for their use and managers to utilize them."³⁷ Sherwin notes:

³³*Ibid.*, p. 682.

³⁴*Ibid.*

³⁵*Ibid.*, p. 683.

³⁶*Ibid.*

³⁷*Ibid.*, p. 684.

³⁸*Ibid.*

³⁹Gerald R. Wheeler, "Analysis of Relationship Between PTSA Vera Point Scale and Court Appearance" (Internal Report, December 1978, Harris County Pre-Trial Services Agency).

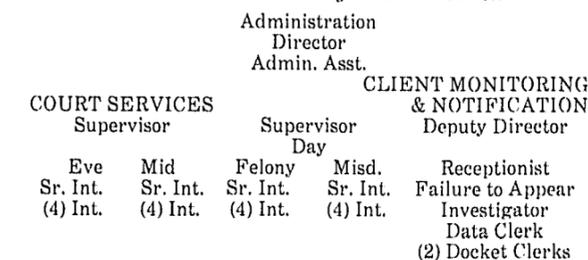
Here we need a new concept of employees; we need to regard them as discrete, versatile service units, able to make contributions where needed . . . rather than fixed components of particular divisions and hierarchies. The more we practice departures from the one-boss principle and from permanent assignments, so as to become accustomed to the concept of the employee as an individual contributor, the more freely we will utilize him or her in temporary systems organized to evaluate, divide, and bring about changes without involving the regular hierarchy.³⁸

Most important, temporary structure can reduce resistance to change by making employees the agent rather than the object of change.

Application of Nontraditional Structures in Pretrial Services

Adopting Internal Operation to Modular Units: In late 1977 the Harris County Pretrial Services Agency was organized into three modular units: (a) administration, (b) court services, and (c) client notification and monitoring (see figure 1).

FIGURE 1.—Harris County Pretrial Services



Administration consisted of the director and administrative assistant responsible for administering agency policy set by the courts, payroll, budget planning, personnel, indirect services, research and evaluation, and public relations. Given recognized expertise in specific areas and ultimate responsibility of the director, each function was shared.

One significant administrative step to establish credibility with the judiciary was conducting a longitudinal analysis of bonded defendants. These data were used to refute the bondsmen's argument that given similar defendants, bondsmen's client monitoring techniques were superior to those employed by the agency.³⁹

Having discussed the main features of Sherwin's nontraditional organization forms, the report will now describe their application to program areas of Harris County Pretrial Services Agency.

Court Services is composed of two supervisors, four senior interviewers, and sixteen interviewers. One supervisor is responsible for overseeing the processing of interviews and PTR applications in

the courts during the day. One senior interviewer and four interviewers are assigned to felony and misdemeanor courts respectively. The other supervisor coordinates the intershift caseload and supervises the midnight and evening shifts made up of a senior interviewer and four interviewers respectively. In terms of staff activity, assignment to the day shift encompasses all functions from intake (Interviewing) to presenting case in court and releasing defendants. Depending on time and circumstance, employee involvement with defendants may terminate at the interview or verification stage. Also an interviewer may present a case to court in which the background work was performed by other interviewers. Generally the day staff are expected to involve themselves with all significant actors related to a case. In contrast, evening and midnight staff functions are restricted to interviewing and verifying information because no judge is available to authorize PTR releases. Because of the diversity of duties, work hours, and contact with defendants, defendants' families, lawyers, and district attorneys, greater job satisfaction is associated with the day shift.

Client Notification and Monitoring staff are responsible for all activity related to an active PTR case from release to disposition. The receptionist coordinates calls and check-ins and collects fees. Each docket clerk is responsible for phone and mail notification of court appearance dates for his or her caseload. The failure to appear investigator is responsible for initiating followup action on defendants who do not appear in court, who are rearrested or do not pay bond fees. The data clerk is responsible for maintaining the records system. Staff are responsible for reporting statistics generated in their function. This unit is supervised by the deputy director.

Temporary Assignments Through Shift Rotation: It was determined that coverage in the court services section must correspond to the caseload and not the personal needs of employees.

As anticipated, staff strongly opposed transfer to other shifts. Turnover allowed assignment of new employees to less attractive evening and midnight shifts, but this resulted in having the least knowledgeable employee contact the majority of defendants. Supervisors and senior staff working weekdays were the most resistant to mandatory shift rotation.

In 1978, turnover continued to plague the evening and midnight shifts. The decision to assign all nonsupervisory interviewing personnel to 6-month rotation shifts was attempted. It was evident that this action positively affected morale of

nonday personnel. Predictably, when rotation took place many day staff resigned rather than accept their new work schedule. Understandably rotation continued to be a topic of dissension. Meanwhile, the rationalization of shift coverage produced a 56 percent increase in the number of interviews.

During the period of transition a special effort was made to recruit criminal justice and liberal arts majors sympathetic to agency goals. Also, written evaluations and merit promotions were adopted. By late 1979, the majority of interviewers recommended that rotation include all supervisors and take place every 3 months (March, June, September, December). Hence, since late 1979 all courts service staff assigned to days rotate to evening and midnight shift and the latter move to day. The result is that each employee experiences all aspects of court services activity within 6 months. The immediate impact of using rotation to accomplish temporary assignments was a 40 percent increase in monthly PTR releases. Moreover, the fact that the staff who produced this output were the least senior, put to rest the notion that interjecting new people in the court setting would jeopardize the release rate. It was the administration's position that "professionalism" would prevail and that releases did not hinge on unique relationship with court personnel.

Nonlinear Supervision Effort: Transcending the one-man, one-boss principle is difficult in a moderate size organization. It was partially achieved in the court services day shift where interviewers are accountable to both supervisors and senior interviewers. This stems from the practical need of assigning staff to court according to the daily workflow. For example, if there exists a heavy arrest rate for misdemeanor defendants, felony staff may be shifted to these courts and made accountable to its supervisory staff. Also, the rotation schedule creates a new communication network every 3 months because senior interviewers and supervisors rotate functions. Nonlinear supervision is also accomplished by having individual supervisors accountable to the director for operations and to the deputy director for training and 24-hour scheduling.

The Use of Temporary Structures: One of the most onerous tasks of management is personnel evaluation and promotion selection. In 1980, we created a personnel promotion selection committee to review and recommend candidates for promotion to senior level positions. Membership in this committee is temporary. This mechanism is believed helpful for participants because it pro-

vides a structure and forum for discussing the purpose and content of employees' written evaluations. It also gives senior staff the opportunity to articulate the qualifications for the position. Most important, this vehicle confirms the agency's commitment to the merit system.

The utilization of the above nontraditional structures has enabled Harris County PreTrial Services staff to effectively meet Federal Court mandated standards.

Agency's Performance in Satisfying Court Standards: From January 1976 to January 1978, all deficiencies cited by the court were addressed. In 1979 and 1980, the agency concentrated on refining the eligibility criteria and strengthening the modular organization structure. In 1980 the program exhibited the highest average monthly (2,526) interviews and release (290) count. The appearance rate was increased from 90 to 96 percent. Annual staff turnover has been reduced from 60 to 40 percent. The lack of significant gains in the release area between 1976 and 1980 is attributed to two factors: First, in 1978, the 24-hour preliminary hearing for felony cases was transferred from the justice of the peace courts to the State district court of jurisdiction. This resulted in many defendants immediately pleading out who formerly qualified for PTR. Secondly, because of procedural advantages and varying attitudes of judges, defendants continue to opt for the most expedient way out of jail—the professional bondsmen. This will not change as long as a master bond schedule is used whereby persons who can afford to pay a preset bond automatically are released, while all PTR applicants must be directly reviewed and approved by the court of jurisdiction. In regards to judges' attitude toward PTR most are reluctant to grant PTR for defendants with previous convictions, or those charged with violent crimes.

Impact of PTR on Jail Population: In 1975 the average daily jail population was 2,385. Between 1976 and 1979 those figures show a slight decline. In 1980, the average daily jail population was 2,252, indicating a trend upward. However, between 1975 and 1980 the total defendants

booked into the jail rose from a monthly average of 2,143 to 3,279, an increase of 53 percent. Since the Bue Order, 15,108 defendants have been released on pretrial release. Over half of these defendants are low income or indigent, and it is more than certain that many of this group would have remained in detention without a PTR alternative. In addition to pretrial release, the jail population has been significantly affected by the creation of eight county and State criminal courts and 24-hour hearings in felony courts. At this writing, Harris County is completing a \$70 million jail designed to hold between 2,300 and 2,500 inmates. Given the population growth in the southwest, local officials will again have to come to grips with the prospect of overcrowding in the new jail if other viable alternatives to pretrial detention and incarceration are ignored.

Summary

This report has focused on the administrative strategy and related outcome of conforming with a Federal Court order governing a pretrial release agency in Houston, Texas. Through the utilization of nontraditional organization structures, it was shown that satisfactory results were achieved within a reasonable time frame. From a management perspective it is believed that we have created the conditions for bail reform and pretrial diversion. Standard operating procedures have been accepted in most criminal courts. In addition, the average time between arrest and release on PTR has been changed from weeks in detention to 24 hours. Finally, this report exhibited the limitations of a Federal Court order in profoundly changing local attitudes toward pretrial release. Presently, the Federal Court has facilitated the creation of a viable organization which can be expanded upon to meet current and future problems caused by jail overpopulation and inequitable bail practices. In the future, the agency will attempt to encourage the courts to provide a pretrial release alternative for defendants arrested on weekends and evenings.