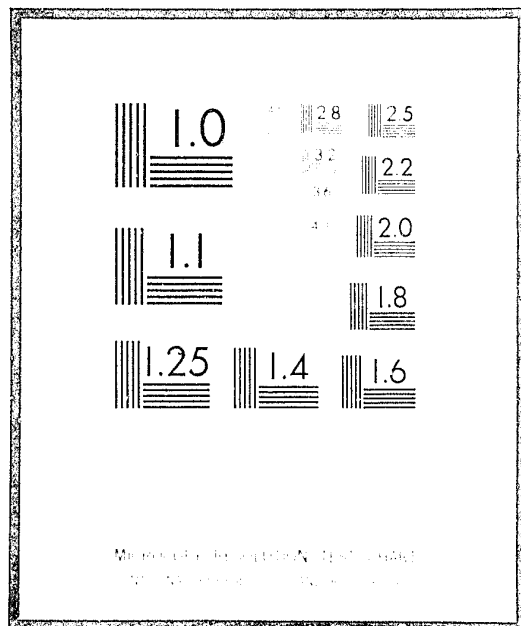


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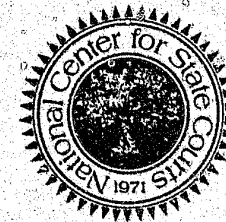
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1974 National Conference on Pretrial Release and Diversion



Final Report
July 1974

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FINAL REPORT

1974 National Conference on Pretrial
Release and Diversion

Co-sponsored by

THE NATIONAL ASSOCIATION OF
PRETRIAL SERVICES AGENCIES
Washington, D.C.

NATIONAL CENTER FOR
STATE COURTS
Denver, Colorado

With the assistance of a grant from the Law Enforcement
Assistance Administration of the United States Department of
Justice.

Foreword

Many people have worked on the 1974 National Conference on Pretrial Release and Diversion and on the preparation of this report. We would like to take this opportunity to express our personal thanks and appreciation to all of the individuals who have contributed to the Conference and the report. These include officials of the Law Enforcement Assistance Administration who were responsible for providing funds for the Conference and whose presence at the Conference demonstrated their continuing interest in pretrial justice; the members of NAPSA's board of directors and program committee who spent long hours in meetings and telephone conversations helping to shape the Conference agenda; the program directors, staff people, and other persons interested in pretrial release and diversion who participated actively in the panel and workshop sessions at the Conference; and the many Conference participants who have made thoughtful comments and suggestions that have been helpful in assessing the 1974 Conference and in formulating recommendations regarding future conferences.

At the risk of inadvertently omitting some names, we also wish to take particular note of the contributions of several individuals whose behind the scenes staff work -- during the planning phase, at the Conference itself, and in the preparation of this report -- has been outstanding: John Welsh, Merrill Grumer, Barbara Franklin, Nancy Elkind, John Martin, and Christine Shook. Good secretarial assistance is, of course, an indispensable

element in any such project, and in this respect we have been fortunate to have the very able services of Phyllis Mays, Jody Straubinger, Lynn Straubinger, Jeanne Collins, Kim Lutze, Mary Beth Derrickson, and Lois Campbell.

The Evaluation section of the report that follows indicates that most of those who participated in the 1974 Conference found it to be an interesting and valuable experience. We share that opinion. At the same time, we are sure that there are ways in which future national conferences on pretrial services can be structured to make them even more stimulating and worthwhile for those who attend -- and, ultimately, of greater benefit to the recipients of the services. Toward these ends, we look forward to future joint endeavors of NAPSA and the National Center for State Courts.

Bruce D. Beaudin

Barry Mahoney

Denver, Colorado
July 30, 1974

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Introduction

The 1974 National Conference on Pretrial Release and Diversion was held June 24-28, 1974, in San Francisco, California. The Conference was co-sponsored by the National Association of Pretrial Services Agencies (NAPSA) and the National Center for State Courts (NCSC), and was held in conjunction with NAPSA's annual meeting. A grant from the United States Law Enforcement Assistance Administration (LEAA) helped provide financial support for the Conference.

More than 250 persons--including program directors and staff personnel of pretrial services agencies, district attorneys, public defenders, judges, researchers, representatives of federal and local funding agencies, and other interested individuals--attended the Conference. This report provides a review of the planning process that preceded the Conference, an outline of the curriculum materials distributed to participants, a brief summary of each of the working sessions, an evaluation of the various components of the Conference (based on evaluation forms filled out by participants), and a series of recommendations regarding future conferences. It also includes the full texts of four resolutions adopted by the

Conference, as well as lists of the Conference participants and of the NAPSA officers and committees for 1974-75.

The report does not attempt to explore the substantive issues discussed at the Conference; rather, the focus here is mainly on the mechanics of planning and running the conference, and on an assessment of the Conference as a vehicle for improving the operation of pretrial release and diversion programs. However, the materials included in the resource notebook previously distributed to Conference participants provide a starting point for in-depth discussion of many of the key issues related to the operation of these programs. Other research now in progress will stimulate further discussion and debate, as will future national conferences and regional training sessions. Hopefully, this volume will prove to be of some help to those involved in planning such forums.

Planning for the Conference

Preliminary planning for the Conference began during the early months of 1974, when representatives of a number of organizations concerned with the administration of pre-trial service programs met several times to work out an overall plan for implementing a \$55,000 training grant made by LEAA to the National Center for State Courts*. Participants in these discussions included representatives of NCSC, NAPSA, the National Council on Crime and Delinquency (NCCD), the American Bar Association Commission on Correctional Facilities and Services, and the Vera Institute of Justice.

By mid-March, the general outlines of the implementation plan had been developed. It called for the overall training program to be divided into two principal components: (1) a four-day "Pretrial and Diversion Services Management Training Institute", to be conducted by NCCD for 32 pretrial service program administrators during the week of June 2, 1974; and (2) the National Conference on Pretrial Release and Diversion, to be co-sponsored by NAPSA and NCSC and held in conjunction with NAPSA's annual meeting during the week of June 24. A budget was drawn up which allocated \$26,460 to the Conference and the balance to the four-day institute.

* LEAA Grant No. 72 DF-99-0039, Special Condition No. 4.

By this time, NAPSA had already begun to do some preliminary planning work for its annual meeting. The site (San Francisco, California) and a specific hotel (the San Franciscan) had already been selected. Plans had also been made for NAPSA to send out announcements of its meeting to NAPSA members and others, along with registration forms and questionnaires asking for indications of subject matter areas to be covered at the meeting. These materials were mailed in early April, from the offices of the Philadelphia Pretrial Services Division.

On April 1, John Welsh--a member of NAPSA's Program Committee who had played a key role in planning a joint NAPSA-ABA conference on diversion that had been held in Atlanta in September 1973--joined the Center's staff as "Conference Coordinator". Bruce Beaudin, NAPSA's President and the Director of the D.C. Bail Agency, arranged for Welsh to have working space in the Bail Agency's offices, where he would have ready access to NAPSA mailing lists, phone numbers, and other working materials. Throughout the April-June period, Welsh worked closely (mainly through telephone communication) with members of NAPSA's board of directors and program committee. He also kept in close touch with Barry Mahoney and Barbara Franklin of NCSC, both of whom were deeply involved in the planning work throughout this period.

On April 8-9, an ad hoc planning meeting attended by 15

individuals was held in Washington, D.C. The purposes of the meeting were (a) to provide input to NCCD with respect to the content of the four-day institute it would be conducting in early June; and (b) to help shape the agenda of the San Francisco conference. The following persons attended the meeting, which was chaired jointly by Bruce Beaudin of NAPSA and Barry Mahoney of NCSC:

Paul Dunn - Director, Law Enforcement Council, NCCD

Loren Ranton - Chief of Training, NCCD

Frank Jasmine - Assistant Director, ABA National Pretrial Intervention Service Center

Bob Goldfeld - Associate Director, Vera Institute of Justice

Dan Johnston - Director of Technical Assistance, Vera Institute of Justice

Tony Partridge - Director of Research Project on Bail and Pretrial Release, Federal Judicial Center

Bruce Beaudin - Director, D.C. Bail Agency; President of NAPSA

Dick Rykken - Director, Brooklyn Pretrial Services Agency; Member of NAPSA Board of Directors.

Dick Scherman - Director, Precourt Screening Unit, Minneapolis, Minn.; Member of NAPSA Board of Directors.

Gordon Zaloom - Chief of Pretrial Services, Administrative Office of the Courts of New Jersey; Member of NAPSA Board of Directors

Wayne Thomas - Research Attorney, Center on the Administration of Criminal Justice, Davis, Calif; Chairman of NAPSA Committee on Information Gathering and Dissemination.

John Welsh - Staff Member of NCSC Training Division;
Member of NAPSA Program Committee

Jene Whitecotton - Acting Chief of Training, NCSC

Nancy Elkind - Staff Associate, NCSC

Barry Mahoney - Senior Staff Attorney, NCSC; Director
of NCSC Project on the Evaluation of
Research on Pretrial Release and Diversion

Most of the time at the April 8-9 meeting was spent discussing the four-day institute, but the basic outlines of the San Francisco conference were also discussed (without participation of the NCCD representatives) in some detail. It was agreed that primary emphasis at the conference should be given to three subject matter areas: relationships between pretrial release and diversion programs (particularly the pros and cons of merging such programs into a single agency); evaluation research; and legal issues faced by program administrators (with particular attention to problems involved in maintaining the confidentiality of program records and client communications). There was general agreement that each of these areas would be of concern to virtually all of the Conference participants, regardless of the precise nature of their program affiliation.

There was also general agreement that the three main subject matter areas should be addressed through a panel-workshop format, similar to the format followed at the Atlanta conference on diversion -- short presentations to all Conference partici-

pants by panelists who were familiar with the area, followed by small group discussions of the issues raised by the panelists. In addition, there were to be some small group sessions scheduled to cover topics of particular interest to only a portion of the Conference participants. Both the NAPSA questionnaire and a questionnaire that NCSC had sent to program administrators in connection with its project on evaluation of research on pretrial services were expected to be useful in organizing the small group sessions.

Detailed planning for the Conference began following the Washington meeting. Between April 9 and May 15, a tentative agenda for the Conference was prepared, potential panelists and workshop leaders were identified, site visits were made to the Conference hotel, and most of the logistical details regarding utilization of hotel facilities were worked out. During the four weeks immediately preceding the Conference, a few changes were made in the agenda, commitments were obtained from panelists and workshop leaders, programs were printed, discussion papers were prepared for use by leaders of workshops, and 400 copies of a "resource notebook" -- consisting of thirteen recently written articles or papers dealing with various issues involved in the administration of pretrial service programs -- were prepared for distribution to Conference participants. The staff work with respect to

logistics and substantive program content was done mainly by John Welsh, Barbara Franklin, and Barry Mahoney. All of the staff work with respect to Conference registration -- including all mailings to prospective Conference participants -- was handled by Merrill Grumer of the Philadelphia Pretrial Services Division.

Although the details of the Conference agenda were revised many times during the planning period, the basic outlines -- in terms of principal subject matter areas to be covered, use of the panel-workshop format to cover these subjects and organization of a number of "limited scope" workshops -- remained constant. In designing the follow-up workshop sessions, considerable thought was given to how the workshops should be structured. Two questions were particularly critical in this respect:

1. Should the workshops be composed of persons from essentially similar programs (e.g., diversion programs only) or from a cross-section of different types of programs? The decision was to structure them heterogeneously, so that persons from release and diversion programs (and from relatively new as well as long-established programs) would all be in the same group. The principal rationale was that the issues being discussed in these workshops were

common to all different types of programs, and that everyone would benefit from the interchange of ideas among persons approaching them from different perspectives.

2. Should an effort be made to get workshop leaders who were "experts" in the particular area under discussion? The decision was to do this for the workshops dealing with evaluation issues, but not for the two other sets of workshops scheduled to follow up on panel presentations. Instead, it was decided to use "capable generalists" -- persons experienced in program management, who presumably would have had some practical experience dealing with the issues under discussion -- as discussion leaders. In keeping with the decision to structure the workshops heterogeneously, two-person teams composed of one person from a diversion program and one from a release program were recruited to lead the workshop discussions. In addition, for the workshop dealing with evaluation issues at least one person experienced in evaluation research was designated to join each workshop to help lead the discussion.

In order to help provide some structure for the workshops, one-page discussion papers -- listing a dozen or so questions that might be appropriate for group consideration -- were prepared for each subject area and given to the workshop leaders to use as resource materials.

In retrospect, both decisions seem to have been mistaken. The workshops -- particularly the Tuesday workshops dealing with "policy questions in the operation of pretrial service programs" -- were widely criticized by Conference participants as being poorly structured. The most common criticisms were (1) that the mix of people in the workshops made it difficult to effectively address specific problems of either release or diversion programs; and (2) that in many cases the workshop leaders were not sufficiently familiar with the topics to keep the discussion moving constructively.*

Final preparations for the Conference were completed in San Francisco during the June 17-20 period. These included checking over all the facilities to ensure that there was adequate space, obtaining office supplies for the room that was to serve as Conference headquarters, setting up a regis-

* For more details, see the section on Evaluation of the Conference, infra, pp. 46-53

tration desk, preparing packets of materials (including the resource notebooks) for each Conference participant, and briefing panelists and workshop leaders on their duties.

Curriculum Materials - The Resource Notebook

One of the concerns expressed by NAPSA board members and other persons involved in planning for the Conference was that many persons involved in the operation of pretrial service programs -- program directors and staff alike -- seemed to have little knowledge about the literature in the area. There was general agreement that it would be desirable to provide Conference participants with a representative sample of the best current writing in the field. It was also felt that it would be desirable to distribute articles and papers directly related to the principal subject matter areas being covered at the Conference, using a convenient format such as a looseleaf notebook. If possible, some papers might be prepared especially for the Conference, by panelists or discussion leaders.

The task of identifying appropriate materials and reproducing them for inclusion in a "resource notebook" was assigned to staff members of the Denver office of the National Center for State Courts. Since Barry Mahoney and Nancy Elkind of that office were working on a project involving evaluation of research on pretrial release and diversion, it was expected that they would be familiar with the current literature. Their selections are set forth below:

A. General Background Literature on Pretrial Release and Diversion

Patricia M. Wald, The Right to Bail Revisited: A Decade of Promise Without Fulfillment. Originally published as Chapter 6 in Stuart S. Nagel (ed.), "The Rights of the Accused," Sage Criminal Justice Annuals, Vol. I (1972), pp. 175-205.

Wallace D. Loh, Pretrial Diversion from the Criminal Process. Originally published as a Note in the Yale Law Journal, Vol. 83, No. 4 (March 1974), pp. 827-854.

National Pretrial Intervention Service Center of the American Bar Association Commission on Correctional Facilities and Services, Portfolio of Descriptive Profiles on Selected Pretrial Criminal Justice Intervention Programs. Washington, D.C., April 1974. 49 pp.

Robert V. Stover and John Martin, Preliminary Report on Program Administrators' Views Regarding Issues in Pretrial Release and Diversion. Denver, Colorado: National Center for State Courts, June 1974. Paper prepared especially for the Conference. 42 pp.

Bruce D. Beaudin, NAPSA - The First Year. Message from the President of the National Association of Pretrial Services Agencies, prepared especially for the Conference. 3 pp.

B. Articles and Papers Dealing with Policy Questions in the Administration of Pretrial Service Programs

Carl E. Anduri, Jr., and Timothy P. Terrell, Administration of Pretrial Release and Detention: A Proposal for Unification. Originally published as a Note in the Yale Law Journal, Vol. 83, No. 1 (November 1973), pp. 153-180.

Robert A. Hanson, The Advantages of Combining Precourt Screening with Diversion. Paper prepared especially for the Conference. 8 pp.

Daniel J. Freed, Statement on Proposed Federal Legislation Regarding Pretrial Diversion. Originally prepared for submission to the Subcommittee on Courts, Civil Liberties, and Administration of Justice of the Committee on the Judiciary, U.S. House of Representatives, February 1974. 37 pp.

C. Articles and Papers on Research and Evaluation in the Pretrial Services Area

Franklin E. Zimring, Measuring the Impact of Pretrial Diversion from the Criminal Justice System. Originally published in the University of Chicago Law Review, Vol. 41, No. 2 (Winter 1974), pp. 224-241.

Michael Kelly, Social Science Evaluation and Criminal Justice Policy-Making: The Case of Pretrial Release. Revised version of a paper originally presented at the 1973 Annual Meeting of the American Political Science Association. 45 pp.

Barry Mahoney and Jan Gayton, Toward Minimum Standards of Data Collection and Evaluation for Pretrial Release Programs: A Checklist for Assessing the Utility of Program Evaluation Reports. Denver, Colorado: National Center for State Courts, June 1974. Paper prepared especially for the Conference. 11 pp.

D. Materials Dealing with Legal Issues in the Pretrial Services Field

Nancy E. Goldberg, Pretrial Diversion: Bilk or Bargain? Originally published in NLADA Briefcase, Vol. 31, No. 6 (November - December 1973), pp. 490-493, 499-501.

National Pretrial Intervention Service Center of the American Bar Association Commission on Correctional Facilities and Services, Monograph on Legal Issues and Characteristics of Pretrial Intervention Programs. Washington, D.C., April 1974, 68 pp.

In all, the thirteen items selected for inclusion in the notebook comprise 376 pages. During May and early June of 1974, the Center's staff made arrangements with the various authors and publishers to obtain the materials for use at the Conference. The ABA Commission on Correctional Facilities and Services made available 400 copies of its two recent publications dealing with pretrial service programs, while reprints of the Zimring article were purchased from the University of Chicago Law Review. All the other materials were reproduced in San Francisco, using a xerox process.

As the above list of materials indicates, the selections were keyed in large measure to the three principal subject matter areas being covered at the Conference. It was hoped that Conference participants would have an opportunity to read the materials prior to the panel presentations, and that they would thus help provide some structure for panels and workshops. Given the press of time at the Conference, however, it is doubtful that many participants had an opportunity to peruse the materials in depth while in San Francisco.

But the materials were also selected with a view to their utilization after the Conference ended -- as resource documents for persons engaged in day-to-day programs operations and for others interested in the pretrial services field, and as materials to be used in future training sessions devoted to more in-depth exploration of specific topics. If, for example, 1-2 day regional seminars are organized to address specific

topics such as evaluation research and legal issues in pretrial service program operation, several of the papers and articles should be valuable as background reading for seminar members. Similarly, the portion of the Stover-Martin paper which deals with the training needs perceived by program administrators should be useful to NAPSA board members and other policymakers in developing comprehensive plans for future training programs.

Conference Registration

Registration for the Conference began at 2:00 p.m. on Monday, June 24th. Although there were no major problems involved in registration, the process did take more time than had been anticipated. During the mid-afternoon period, this resulted in long lines of people waiting to sign in. The main reason for the delay was that the procedure for registering Conference participants involved several steps: completing a registration form, paying for the conference (and in some cases for NAPSA membership),* having a name tag typed, and receiving the resource notebook. In retrospect, it probably would have been much more efficient to obtain an additional typewriter and one or two additional secretaries, divide the participants alphabetically into two groups, and have each group register at separate tables.

Registration continued on Monday until 7:00 p.m., and then was open intermittently throughout the Conference. By the end, 259 individuals had registered. The information that they provided on their registration forms have permitted us to learn something about the Conference attendees.

* Conference registration fees were \$30 for NAPSA members and \$35 for non-members. All proceeds from registration fees went to NAPSA. NAPSA funds were used to defray expenses related to the Conference which could not be covered by the LEAA grant, such as the costs of a Monday evening cocktail party and a Wednesday noon luncheon.

Of the 259 registrants, there were 177 men and 82 women. The Eastern region of the country was the most heavily represented, with 148 registrants, while the West had 74, and Midwest only 37.* Altogether, 29 states and the District of Columbia were represented. The breakdown by state is as follows:

California	60	Missouri	11
Washington, D.C.	29	Connecticut	10
Massachusetts	19	Ohio	9
New York	19	Georgia	9
Minnesota	17	Other	61
Pennsylvania	15		

The registration card also asked individuals to identify the type of program they were representing, by circling one of three categories: "Pretrial", "Diversion", or "Other". The "Pretrial" category was an unfortunate mistake -- it should have read "Pretrial Release", and none of the staff picked up the error prior to registration.

As a result, we do not have accurate counts of precisely how many conference registrants were affiliated with (a) pre-trial release programs; (b) diversion programs; (c) agencies combining release and diversion functions; or (d) other types

* These regional breakdowns correspond with the regions NAPSA uses for internal organizing purposes. The Eastern region includes all states in the Eastern Time Zone, the Midwest region includes all states in the Central Time Zone, and the Western region includes all states in the Mountain and Pacific Time Zones, plus Alaska and Hawaii.

of organizations. Our best estimate, based on the data received at registration supplemented by staff members knowledge about specific programs, is that approximately 86 of the participants are affiliated with diversion programs, 70 are with pretrial release programs, 14 are with programs which have both release and diversion components, and 89 are not directly affiliated with any pretrial release or diversion program.

Conference Working Sessions

Monday, June 24

The only actual working session held on Monday was the Women's Caucus, which was presided over by Ann Jacobs, Deputy Director of the Baltimore Pretrial Intervention Project. Since this was the first time that a Women's Caucus had met at a NAPSA conference, it was mainly an organizational session, focusing on the role that the Caucus should have within the Association. The two major areas of discussion were the problems of women in the field of pretrial services and the problems of female clients in pretrial release and diversion programs. Attendance at this meeting was much higher than had been anticipated (approximately 50 attendees), and many of the participants planned to meet again on Thursday.

Tuesday, June 25

The Conference was officially convened on Tuesday morning with brief introductory remarks by Kenneth Babb, Director of the San Francisco O.R. Project and Secretary of NAPSA, NAPSA President Bruce Beaudin, and Justice Louis Burke of the Supreme Court of California, who is also the President of the Board of Directors of the National Center for State Courts.

The first panel session of the Conference, entitled "Pretrial Release and Diversion--Should they be Merged in a

Single Agency?" was also held on Tuesday morning. The members of the panel were:

Daniel Ryan (Moderator), Executive Director
New Haven Pretrial Services Council, New
Haven, Connecticut

John A. Calhoun, Executive Director, Justice
Resource Institute, Boston, Massachusetts

Robert Hanson, Executive Director, Project
Remand, St. Paul, Minnesota

J. Gordon Zaloom, Chief of Pretrial Services,
Administrative Office of the Courts of New
Jersey, Trenton, New Jersey

Michael R. Biel, Assistant Director, ABA
National Pretrial Intervention Service
Center, Washington, D.C.

The subject of this panel was expected to be of considerable interest, since there has recently been increased discussion around the country of problems in coordinating and funding different types of pretrial service programs. Robert Hanson, the director of a program that includes both pretrial release and diversion components, had prepared a paper for the resource notebook that recommended merging of the two types of agencies. In his oral presentation he developed some of the points made in the paper, stressing that combining the two types of programs would increase efficiency, minimize costs, and reduce the number of people involved in interviewing defendants and participating in pretrial proceedings in court.

Jack Calhoun, who is a former director of a diversion program in Boston, took the opposite side. Calhoun maintained that the functions of pretrial release and diversion programs within the criminal justice system are very different -- and in fact may be in conflict -- and that the two should therefore not be combined. He emphasized that the main goal of pretrial release programs is to reduce the inequities of the bail system by finding non-monetary means of ensuring a defendant's appearance in court, while the primary purpose of most diversion programs is to divert individuals out of the criminal justice system altogether. Calhoun's position was supported by Mike Biel, who began with the premise that pretrial release programs should be seeking to find the least restrictive means of ensuring that a defendant appears in court. If the release programs merged with diversion programs, Biel argued, it would be likely that the conditions commonly imposed upon participants in diversion programs would be adopted more widely, and that conditions of pretrial release would tend to become more restrictive.

The fourth panelist, Gordon Zaloom, felt that the independence of pretrial release and diversion programs could be maintained and the benefits of the merger reaped, if the agencies were combined under the auspices of a court services

division. Zaloom viewed merging as essentially an administrative action, one that would not necessarily affect program operations. The presentations by the four members of the panel were followed by a question and answer period in which several conference attendees participated.

After lunch on Tuesday, approximately a half hour was devoted to two "mini-debates". These were brief position statements on issues related to the administration of pretrial services agencies by individuals knowledgeable in the field. The first was on the question "Should the OR Program Be an Advocate for the Defendant?", with the affirmative side being taken by Susan Bookman, Director of the Berkeley Own Recognition Project, and the negative by Ronald J. Obert, Director of the Santa Clara County Pretrial Release Program, San Jose, California. The question in the second mini-debate was "Should Diversion Projects Aim for High or Low Risk Cases?". Ennis J. Olgiati, Director of the New York City Court Employment Project, took a strong stand in favor of aiming for high risk cases. Olgiati argued that many participants in current diversion programs were persons accused of relatively minor crimes, and that they would fare just as well in terms of the ultimate outcome of their cases even if they were not in a program. Richard W. Tynes, Jr., an Assistant U.S. Attorney in Washington, D.C., argued in favor of focusing on low risk cases, emphasizing both the need to protect society and the desirability

of providing employment opportunities and other services to defendants before they get too deeply enmeshed in criminal activities.

Following the mini-debates, Conference participants broke into small workshop groups to discuss "policy questions in the administration of pretrial service programs." At registration, each participant was assigned to one of ten workshop groups that were scheduled to meet three times during the Conference to discuss issues growing out of the main panel discussions. Each group had two co-leaders -- one from a diversion program, the other from a release program -- each of whom had been furnished with "discussion papers" containing about a dozen questions intended to stimulate discussion and debate in the groups. The workshop sessions ran for a little over two hours, beginning shortly before 3 o'clock and running until 5:00 p.m.

Wednesday, June 26

The Wednesday morning panel was entitled "Research and Evaluation -- Needs, Opportunities, and Problems." The moderator was Wayne Thomas, Research Attorney at the Center on the Administration of Criminal Justice in Davis, California, and the panelists were:

Barry Mahoney, Director of National Center for State Courts Project on the Evaluation of Research on Pretrial Release and Diversion

Richard Rykken, former director of the Pretrial Service Agency in Brooklyn, New York

Peter Venezia, Director of the Research Center of
the National Council on Crime and Delinquency,
Davis, California

Michael Kelly, Professor of Law at the University of
Maryland School of Law, Baltimore, Maryland

Andrew Mecca, Director of the Marin County TASC Pro-
gram, San Rafael, California

Lee Friedman, an economist at the Institution for
Social and Policy Studies, Yale University, New
Haven, Connecticut

Wayne Thomas opened the session by briefly reviewing devel-
opments in the pretrial release field since the early 1960's and
noting some questions about the operation of bail and pretrial
release programs that required future research. It would be a
mistake, he suggested, for jurisdictions to move too quickly
to the adoption of conditional release and deposit bail systems
until further research was done on the extent to which straight
"own-recognizance" release could be utilized effectively. The
primary questions which ought to be addressed by researchers and
program directors, Thomas observed, were "who is still in jail
(prior to trial) and why are they there?" He commented that
we don't know, for example, what proportion of unreleased
defendants would be unable to afford even ten percent deposit
bail. Nor do we know what proportion would be able to afford
ten percent bail but would be unable to meet collateral
requirements of a bondsman.

Barry Mahoney discussed evaluation research in the pretrial
services area from two perspectives -- that of the agency which

provides funding for a program and that of a critic of recent research efforts. He noted that policymakers in funding agencies are interested in good program evaluations for at least two reasons: to know what projects they should re-fund and to help persuade local budgetary officials to provide long-term funding from local tax dollars for projects that have proved their worth. Turning then to a brief recap of his work as director of an NCSC project evaluating research in the pretrial services area, Mahoney said that his staff had found very little in the way of good evaluation research done during the past ten years. He did not find the picture to be a wholly bleak one however, commenting that there were a few examples of very good research. He particularly noted the work of Frank Zimring in the diversion field and of panel member Peter Venezia in the pretrial release area. Mahoney closed by expressing hope that the short paper he and Jan Gayton had written for the Conference might serve as a stimulus for improving program research efforts.

Dick Rykken focused on the uses of evaluation research as a working tool for the program administrators -- helpful not only for obtaining funds but also for improving day to day operations and increasing program impact. In one instance, he noted, a particular judge sitting in an arraignment court in Brooklyn had greatly increased the proportion of persons re-

leased during a period of a week from an average of 42% to a figure of 66% for the week. Examining data on subsequent court appearance rates of the defendants released during this period, Rykken's research people found that the skip rate had increased only about one-tenth of 1%.

Peter Venezia, who had directed research on a program in Des Moines, Iowa, that involved releasing "high risk" defendants to a program that provided supportive services to the releasees, discussed the need for better communications between evaluators and program staff personnel. He focused particularly on the need for evaluators to understand that the priorities of the program staff lay in providing services to people, not in providing statistical data to researchers. Venezia agreed that there had been a good deal of shoddy research in the criminal justice field, much of it done by people who had had little or no experience in the field.

Michael Kelly began his presentation by noting the importance of looking at the total environment in which pretrial service programs operate, and not focusing simply on the programs themselves. The critical index of program success, Kelly maintained, was not whether or not a program is able to sustain itself over a long period of time but rather the extent to which policymakers adopt the program techniques as a matter of policy. Kelly concluded by noting how evaluation could be used as a political organizing tool, helpful to those concerned

with changing local court environments.

Andy Mecca reviewed some of his experiences as director of a TASC program that deals with drug offenders in Marin County, California. Mecca described how research on the characteristics of defendants arrested in the county aided him in getting support for the program from judges and community leaders. He then went on to emphasize the importance of a broad approach to research, one that takes account of the total community environment, the availability and effectiveness of community resources, and the ongoing needs of the population the program deals with.

The last panelist, Lee Friedman, emphasized the need for undertaking control group research, where possible, in order to accurately measure program effectiveness. He also noted the importance of taking account of economic factors in doing program evaluations. Outlining some of the key elements of cost-benefit and cost effectiveness analysis, Friedman urged the development of greater capability in this area of research.

Although panel members had deliberately kept their presentations relatively short in order to allow time for questions from the floor at the conclusion of the panel, the session was nevertheless running behind schedule by the time the presentations were concluded. Since the hotel needed time to prepare the room for a luncheon scheduled to begin at noon, it was decided to move immediately into workshop sessions. A number of the issues raised by the panelists

were discussed in these sessions, which were on the topic of "Program Evaluation -- What Do You Want and How Do You Get It?"

In addition to the two designated leaders in each group, the evaluation workshops were each assigned a third person (either one of the panelists or someone else who had had experience in program evaluation). Discussions varied in each of the groups, but the general thrust was toward an exploration of the practical problems inherent in evaluation efforts and on how to avoid or minimize such problems. In general these workshops seem to have been more successful than the Tuesday afternoon workshops (see section on "Evaluation," infra, pp.46-56)--perhaps because the topic was somewhat narrower and because each group had an "expert" in the area.

The evaluation workshops lasted until noon, and were the last formal working sessions of the Conference on Wednesday. They were followed by a luncheon (paid for by NAPSA) to which all Conference participants were invited, and by an afternoon devoted solely to NAPSA business.

Thursday, June 27

The Thursday morning panel, on "Legal Issues in Pretrial Justice," proved to be the most popular working session of the entire Conference (see infra, pp. 47-53). The members of the panel were:

Dewaine L. Gedney, Jr. (Moderator), Director, Pre-trial Services Division, Philadelphia Common Pleas and Municipal Court, Philadelphia, Pennsylvania

Clayton DeVega, Assistant District Attorney,
Alameda County, California

Eddie Harrison, Director, Baltimore Pretrial
Intervention Project

John P. Bellassai, Director, Narcotics Diversion
Project, Washington, D.C.

Martin J. Mayer, Director, Criminal Justice Pro-
jects, Addiction Services Agency, New York,
New York

Nancy E. Goldberg, Deputy Director, National Legal
Aid and Defender Association, Chicago, Illinois

Richard Scherman, Director, Precourt Screening
Unit, Minneapolis, Minnesota

Dick Scherman, the first panelist, provided a general over-
view of the area, observing that since pretrial programs cross
many jurisdictional lines within the criminal justice system,
it is necessary to be aware of a wide range of legal problems.
Eddie Harrison followed Scherman, and raised a number of legal
issues relating to client acceptance into a program, confi-
dentiality of program records, and termination from the program.
Among the questions which he urged Conference participants to
consider were:

- 1) Can a program require a client to plead guilty
as a condition of acceptance?
- 2) Does a client have a right to legal representa-
tion at the point of screening and intake, and
at the termination hearing?
- 3) Does a client have a legal and moral right to
refuse the services of a program?

- 4) Should active programs records be confidential?
- 5) What should be done with program records after a client is terminated (whether successfully or unsuccessfully)?

John Bellassai of the Narcotics Diversion Program in Washington, D.C., also discussed issues of eligibility and confidentiality. Discussing eligibility criteria, he questioned the legality of excluding certain types of cases from pretrial release programs. With respect to confidentiality, he observed that the problems are very different for programs that accept narcotics abusers than for those that do not, since the former must comply with Federal regulations that require confidentiality of records in all drug programs. Non-narcotic programs, however, do not have these legal requirements, and must ensure confidentiality through such means as memos of understanding with prosecutors, the promulgation of court rules, and the like.

Marty Mayer, who runs a narcotics diversion program in New York City, discussed the impact of legislation on the operation of diversion programs. He commented that recently enacted narcotics offender laws in New York often made it extremely difficult to deal constructively with addicts accused of crime, even when prosecutors recognized that prison sentences were not appropriate in a given case.

The last two speakers on this panel, Nancy Goldberg of the National Legal Aid and Defender Association and Clayton

DeVega of the Alameda County District Attorney's Office, took sharply differing views about pretrial diversion programs. Ms. Goldberg, elaborating on themes raised in her "Bilk or Bargain?" article included in the resource notebook, maintained that in many cases the programs compromised the constitutional rights of defendants. She particularly stressed the dangers of allowing prosecutors to determine eligibility for participation in a diversion program and the need to make sure that a defendant has had a chance to consult with a lawyer before agreeing to enter such a program. With respect to the issue of confidentiality, she noted that the confidentiality of defendants' communications with representatives of a diversion program would most likely be respected by the courts if the program were affiliated with a defender organization. Ms. Goldberg concluded by commenting that although diversion was being touted by some as a panacea for the problems of the criminal justice system, those problems were so severe that relying on diversion to cure them would be like trying to cure cancer with a bandaid. The long range effects of diversion, she suggested, might be to distract attention from real reforms that are needed such as the decriminalization of victimless crimes. Assistant District Attorney DeVega, noting that under the statute governing diversion in California the prosecutor has the function of determining eligibility, strongly disagreed with the suggestion that this led to abuse. DeVega emphasized the importance of looking at the practical

realities of a situation, and focusing on the real needs of a defendant for services such as drug and employment counseling. He agreed, however, that a defendant should have an opportunity to consult with counsel before entering into a diversion program.

At the conclusion of the panel presentations, there was a suggestion from the audience that the Conference remain in plenary session (rather than break into workshop groups), in order to provide opportunity for questioning the panel members. Moderator Nick Gedney put the question to a floor vote, and there was an overwhelming sentiment in favor of staying in a single large group. The Q and A session that followed proved to be a lively one, with considerable give and take among the panelists as well as between the panel and the audience. While no issues got fully resolved, the session was clearly a stimulating one. Analysis of the evaluation sheets turned in by Conference participants showed this panel to be the most popular action component of the Conference.

Thursday afternoon was devoted to small workshops and panels on a variety of subjects. The conference attendees were not assigned to any specific groups, but were invited to attend any of the sessions. Two sets of sessions were held, the first running from 2:00 p.m. to 3:30, and the second from 3:45 to 5:15. In all, there were 10 different workshops and panels, some of which were presented once during the afternoon, and some twice. The ten sessions were:

1. Front-line Decision Making in Pretrial Release Projects
2. Front-line Decision Making in Diversion Projects
3. Involving the Community
4. Starting a New Program
5. Going from Pilot Program to Permanent Status
6. Program Management
7. Formalizing Program Operating Authority
8. New Directions for Training
9. Upgrading Paraprofessionals
10. National Scope Research

Conference participants who attended these workshops were asked to complete an evaluation form separate from the evaluation of the conference as a whole. In general, the sessions were very well received (see section on "Evaluation," *infra*, pp. 46 - 56). Many participants commented on the questionnaires that the workshop leaders were well-prepared and were adept at leading and stimulating and informative discussion.

Friday, June 28

The final day of the Conference was a short one. It began with a panel entitled "Planning, Funding, and Technical Assistance -- Where to Get Money and How to Get Help," moderated by Allen Hellman of the Vera Institute of Justice. Panelists were:

Carolyn Cooper, Criminal Courts Technical Assistance Project, American University Law School, Washington, D.C.

Frank Jasmine, Assistant Director, ABA National Pretrial Intervention Service Center

R. Alan Jones, Special Assistant to the Administration, Law Enforcement Assistance Administration, Washington, D.C.

Duane Baltz, Project Manager, Criminal Justice Project of the National Association of Counties, Washington, D.C.

Each of the panelists spoke about the funding and technical assistance that was available to pretrial release and diversion programs through his or her organization.

Following the panel discussion, Conference participants took up consideration of 6 proposed resolutions. After lively discussion of the merits and precise wording of each of the resolutions, four of them were adopted as resolutions of the Conference. These four resolutions -- dealing with (1) priorities in the administration of pretrial release policy by courts; (2) confidentiality of information obtained by pretrial release programs through interviews and investigation of defendants' backgrounds and community ties; (3) confidentiality

of information obtained by diversion programs regarding defendants; and (4) the problems of women defendants and women working within the pretrial services field -- are reproduced at pages 37-45 of this report.

A fifth resolution, calling for NAPSA to establish an "Evaluation Resource Center" and spelling out in some detail the tasks of such a Center, was generally received favorably by the group. It was not adopted, however, mainly because of a feeling that the tasks of the proposed Center ought to be explored more thoroughly. The resolution was accordingly referred to the NAPSA board of directors for further consideration. A sixth resolution, calling for a halt to all further jail construction, was tabled.

Consideration of the resolutions was the last item of Conference business. At 11:30 a.m., the Conference was formally concluded.

Conference Resolutions

1. Resolution Concerning Presumptions with Respect to Pretrial Release of Defendants

WHEREAS, the arrest of an accused does not alone justify his detention prior to trial; and

WHEREAS, the costs both to the defendant and his family and to the public are both substantial and unconscionable; and

WHEREAS, non-monetary release alternatives have proved as effective as monetary requirements in ensuring the return of an accused for trial; and

WHEREAS, the American Bar Association's Standards For Criminal Justice, particularly the Standards Relating to Pretrial Release, recommend a presumption in favor of release on recognizance, the abolition of compensated sureties, minimal use of money bail, and ability by the defendant or a friend to secure release upon deposit of a percentage of the money bail set in those few cases where that condition is used; and

WHEREAS, the National Advisory Commission on Criminal Justice Standards and Goals recommends the same presumption in favor of release on recognizance, the elimination of private bail bond agencies, the use of other non-monetary release alternatives, as well as the minimal use of financial requirements which would permit release upon deposit of a percentage by the defendant or a friend;

NOW THEREFORE, it is

RESOLVED: That persons arrested and charged with crimes should be released on their own recognizance to the maximum extent possible pending trial; and it is further

RESOLVED: That in all cases non-monetary release alternatives be considered prior to the imposition of any monetary requirement and that the Court utilize the least restrictive release alternative which will reasonably ensure the appearance of the defendant as required; and it is further

RESOLVED: That in cases where financial requirements are deemed appropriate to ensure appearance, the defendant be permitted to deposit a percentage of the amount with the Court: and it is further

RESOLVED: That compensated sureties be abolished.

2. Resolution Concerning Confidentiality of Information
Obtained By Pretrial Release Programs

WHEREAS, the law requires the consideration of an individual defendant's background and community ties information as well as other factors in setting the terms of pretrial release; and

WHEREAS, it is necessary to establish a relationship of confidence and trust to obtain such information; and

WHEREAS, community ties information received from the defendant in the initial interview very often includes sensitive information about defendant's drug usage, psychiatric history, community ties, etc., and;

WHEREAS, such information is received from the accused when he or she is not represented by counsel in many instances; and

WHEREAS, the information is received before there is a determination of guilt or innocence and is potentially prejudicial;

NOW THEREFORE, it is

RESOLVED: That any information obtained in the course of such investigation shall be confidential except for purposes of pretrial release considerations and shall not be released to any individual or agency without permission from the defendant after advice and consent of counsel; and it is further

RESOLVED: That such information shall not be admissible on the issue of guilt in any subsequent proceeding; and it is further

RESOLVED: That members of the Agency conducting such investigations shall not be subject to subpoena concerning information in their possession; and it is further

RESOLVED: That information received and collected by the program may be used by the program for research evaluation and management information services without the use of identifiers; and it is finally

RESOLVED: That information received and collected by the program shall not be released to any agency or individual that will use the information for dissemination to the general public or be recorded in a computer system that has the potential for connection with national computer files or be used by a law enforcement agency for the purposes of surveillance and investigation.

3. Resolution Concerning Confidentiality of Information
Obtained By Diversion Programs

WHEREAS, it is the purpose of programs of pretrial diversion to afford to participating defendants a second-chance opportunity to avoid the full impact of prosecution through defendants' self-help efforts; and

WHEREAS, in order to facilitate such efforts, and to induce defendants to participate in programs of pretrial diversion in as voluntary a manner as possible, it is necessary to establish a relation of trust and confidence between defendants and the program; and

WHEREAS, the results of such self-help efforts, facilitated by such relations of trust and confidence, benefit society through reduction of recidivism;

NOW THEREFORE, it is

RESOLVED: That each jurisdiction in which programs of pretrial diversion operate, should by Court Rule, statute, or written agreement with local or state judicial, prosecutorial, and defense agencies establish that no statements, records, reports, or disclosures made by defendants during participation in programs of pretrial diversion, or in application for such participation, should be used against the advantage of the defendants, during any subsequent hearing, trial, sentencing or other proceeding, for any purpose, should such defendant be refused application to said program or terminated from the program of pretrial diversion and returned

to prosecution in the ordinary course; and it is further

RESOLVED: That the effective operation of a second-chance opportunity requires that, in the event of termination and return to ordinary prosecution, defendants should be treated as if no such participation had ever taken place, and should be prosecuted, tried, and, if convicted, sentenced as defendants who have not participated in such programs. In no instance should information be released without the defendant's permission after consultation with counsel.

4. Resolution Concerning Women and Pretrial Services

WHEREAS, women and adolescent females within the criminal justice system are generally not considered a sufficiently significant problem to be worthy of the system's attention; and

WHEREAS, existing pretrial services and programs, which serve women were originally designed to serve men, serve women only secondarily, do not acknowledge that women have special problems, and do not address the special needs that women have; and

WHEREAS, pretrial programs that do serve women are often incapacitated by the lack of necessary supportive services for women within the community;

NOW THEREFORE, it is

RESOLVED: That the National Association of Pretrial Services Agencies should take the following affirmative steps toward identifying and measuring the special problems of women defendants and of women working within the pretrial services field to develop effective mechanisms of dealing with those problems:

1. That a Committee on Women and Pretrial Services be created and charged with the following tasks:

(a) research;

CONTINUED

1 OF 2

- (b) the writing of a position paper on the problems of female defendants;
- (c) addressing the under-representation of women in the agencies that deal with them;
- (d) the development of a bibliography of existing reference materials and a listing of special programs for women, and

2. That an examination of traditional psychotherapy techniques for dealing with women be initiated; and
3. That staff training guidelines and facilities for personnel within pretrial services be designed in an effort to deal more effectively with the female pre-trial client; and
4. That a survey be conducted to identify what women are entering the criminal justice system, what is happening to them there, and the extent to which existing pretrial programs are serving women clients; and
5. That a separate committee or task force be designated with the assignment of developing a position for the National Association of Pretrial Services Agencies with respect to decriminalization of victimless crimes, especially prostitution; and
6. That the next National Association of Pretrial Services Agencies Conference will include panels and

information on women offenders and women employees in pretrial diversion and release programs; and finally

7. That women be represented on all National Association of Pretrial Services Agencies committees.

Evaluation of the Conference

Participants in the Conference were asked to fill out short form evaluation sheets indicating their rating of the Conference and its various components. A scale from 1 to 5 (with 1 being the best possible score and 5 the poorest rating) was used for the ratings. In addition, two open-ended questions asked for written comments and for suggestions regarding future conferences. Separate evaluation sheets were also prepared for each of the specialized Thursday afternoon workshops.

The number of completed questionnaires turned in by Conference participants (72 "comprehensive" evaluations of the Conference as a whole; 98 evaluations of the Thursday afternoon workshops) was disappointingly low. Nevertheless, the responses provide a useful data base for assessing the 1974 Conference and making plans for future training sessions.

Profile of Respondents

Of the 72 persons who responded to the comprehensive evaluation questionnaire, 27 (37%) indicated that they were affiliated with pretrial release agencies, and 28 (38%) said that they were with diversion programs. The remaining 17 (25%) indicated affiliation with a variety of other organizations, including funding agencies such as LEAA, research organizations,

and courts.* Of the 55 respondents affiliated with a pretrial release or diversion program, 44 (80%) were program directors, while only 11 (20%) were staff members. The age of the programs with which these respondents were associated varied widely. Fifteen of the projects (27%) are less than a year old, 27 (49%) are between 13 and 36 months, and 13 (24%) are more than 3 years old.

A surprisingly high proportion of respondents affiliated with pretrial services programs had been associated with their program for a relatively short time. Twenty-eight of them (51%) had been with the program for less than a year, and 21 (38%) for between 13 and 36 months. Only 6 (11%) had been associated with the same program for more than three years. These figures suggest the importance of addressing the needs of persons who are relatively inexperienced in the pretrial services field -- as well as the programs' problems with personnel turnover -- at future conferences.

Participants Ratings of Principal Components of the Conference

One of the questions on the evaluation forms asked respondents to rate 5 of the principal components of the Conference -- the resource notebook materials, the conference agenda, the panel discussions, the Tuesday and Wednesday workshops, and the conference facilities -- on the 1 to 5 scale. Table 1 shows the distribution of opinions with respect to these components.

* This is not a precisely proportionate sample of the Conference as a whole, but appears to be a fairly representative cross section. Compare the statistics on registration, supra, pp.

TABLE ONE

Respondents' Ratings of Main Components
of the Conference

	1	2	3	4	5	MEAN	RANK
Resource notebook materials	57% (41)	26% (19)	4% (3)	6% (4)	4% (3)	1.700	1
Conference Agenda - (topics covered in panels and workshops)	14% (10)	42% (30)	35% (25)	7% (5)	1% (1)	2.394	2
Panel Discussions	14% (10)	47% (34)	26% (19)	10% (7)	3% (2)	2.403	3
Conference Facilities	17% (12)	31% (22)	33% (24)	12% (9)	7% (5)	2.625	4
Workshops - (except for Thursday afternoon workshops)	3% (2)	28% (20)	30% (21)	31% (22)	8% (6)	3.141	5
TOTALS	100%	100%	100%	100%	100%		

As Table 1 indicates, the resource notebook was a major success. Sixty of the seventy-two respondents (83%) gave it a rating of either 1 or 2, with 57% giving it the highest possible mark. In addition to scoring it high on the scale question, a number of respondents also commented favorably on the notebook materials in their answers to open-ended questions on the evaluation form.

The Conference agenda and panel discussions were also regarded favorably by most participants, although there was a wider range of views with respect to these components than with respect to the notebook materials. The Tuesday and Wednesday workshops -- which were intended to provide a vehicle for small group exploration of the issues raised during the plenary panel session -- received the lowest grade. The mean score of 3.141 for these workshops was the only score to fall below the mid-point on the scale. The most common criticism of the workshops had to do with their heterogeneous makeup, with the following comments to the open-ended questions being fairly typical:

"Diversion and OR should be segregated for discussion purposes."

"Group persons by interest areas in the workshops, rather than the conglomerate approach . . . Model for Thursday afternoon workshops the best, as it ensures highest interest, competence, experience in an area will be in attendance at any one workshop."

"There seems to have been one major drawback which I feel took away greatly from the specific quality of the conference. This was the grouping together

of ROR and Diversion people within the same workshop. Without fail, one or the other lost out. . ."

"Have separate workshops for diversion and O.R. programs. The unfocused workshop discussions were caused by the attempt to make the discussion cover both."

"Divide attendees at future conferences -- for workshops and maybe even plenary sessions -- into two groups: new programs and people in the field versus older, established programs. Tailor presentations, issues, etc. to meet this real dichotomy of needs and problems."

Interestingly, however, despite their dissatisfaction with the composition of the workshop groups, respondents seemed to find the Wednesday morning workshops on evaluation research quite worthwhile. A separate question on the evaluation form asked respondents to rate each of the panel discussions and follow-up workshops in terms of three criteria: (a) identification of the pertinent issues; (b) quality of the discussion of the issues; and (c) the respondents interest in the discussion. As Table 2 (pages 51-52) shows, the Wednesday sessions -- each of which had a person experienced in evaluation research as a co-leader -- were rated markedly higher than the Tuesday sessions on every count. This suggests the importance of having workshop leaders who are very familiar with the topics under discussion, something that is also borne out by many of the comments on the questionnaires.

TABLE TWO

Respondents' Ratings of Specific Panel Presentations, Mini-Debates, and Follow-Up Workshops

	1	2	3	4	5	MEAN
Legal issues in Pretrial Justice (Thurs. Panel)						
(a) identifying the pertinent issues	61% (37)	25% (15)	8% (5)	5% (3)	1% (1)	1.623
(b) quality of discussion of issues	54% (33)	28% (17)	7% (4)	8% (5)	3% (2)	1.787
(c) your interest in discussion	70% (43)	10% (6)	12% (7)	1% (1)	7% (4)	1.639
Research and Evaluation (Wednesday Panel)						
(a) identifying the pertinent issues	42% (25)	38% (23)	13% (8)	7% (4)	0	1.850
(b) quality of discussion of issues	37% (22)	33% (20)	22% (13)	7% (4)	1% (1)	2.033
(c) your interest in discussion	43% (26)	35% (21)	10% (6)	7% (4)	5% (3)	1.950
Pretrial Release and Diversion - Should they be merged into a single agency? (Tues. Panel)						
(a) identifying the pertinent issues	19% (13)	39% (27)	30% (21)	7% (5)	4% (3)	2.391
(b) quality of discussion of issues	9% (6)	37% (25)	38% (26)	15% (10)	1% (1)	2.632
(c) your interest in discussion	28% (19)	30% (20)	27% (18)	12% (8)	3% (2)	2.313
Should Diversion Projects Aim for High or Low Risk Cases? (Tuesday Mini-Debate)						
(a) identifying the pertinent issues	18% (11)	32% (20)	29% (18)	16% (10)	5% (3)	2.581
(b) quality of discussion of issues	16% (10)	31% (19)	23% (14)	23% (14)	7% (4)	2.721
(c) your interest in discussion	33% (21)	35% (22)	21% (13)	6% (4)	5% (3)	2.143
Should the OR Program be an Advocate for the Defendant? (Tuesday Mini-Debate)						
(a) identifying the pertinent issues	15% (9)	15% (9)	37% (22)	22% (13)	12% (7)	3.000
(b) quality of discussion of issues	9% (5)	15% (9)	32% (19)	31% (18)	14% (8)	3.254
(c) your interest in discussion	25% (13)	21% (13)	23% (14)	23% (14)	8% (5)	2.689

TABLE TWO (continued)

Respondents' Ratings of Specific Panel Presentations, Mini-Debates, and Follow-Up Workshops

	1	2	3	4	5	MEAN
Policy Questions in the Operation of Pretrial Service Programs (Tuesday Workshop)						
(a) identifying the pertinent issues	5% (3)	32% (18)	23% (13)	22% (12)	18% (10)	3.143
(b) quality of discussion of issues	4% (2)	32% (18)	29% (16)	22% (12)	14% (8)	3.107
(c) your interest in discussion	18% (10)	46% (25)	20% (11)	13% (7)	4% (2)	2.382
Program Evaluation - What do you want and how to get it? (Wednesday Workshop)						
(a) identifying the pertinent issues	24% (12)	28% (14)	34% (17)	12% (6)	2% (1)	2.400
(b) quality of discussion of issues	22% (11)	28% (14)	34% (17)	16% (8)	0	2.440
(c) your interest in discussion	43% (22)	26% (13)	14% (7)	18% (9)	0	2.059

As Table 2 indicates, panels on legal issues and on research and evaluation were clearly two of the most popular substantive working sessions of the Conference. A review of answers to the open-ended questions is again helpful in explaining the success of these two sessions. The following comments are reasonably representative, and suggest that the Conference participants place a high value on careful preparation by panelists and discussion leaders, are interested in hearing from people not affiliated with pretrial service programs, and welcome panelists who raise provocative questions about pre-trial release and diversion:

"I firmly believe that the best way to improve the quality of the conference is to upgrade the quality of panel presentations. Ms. Goldberg's presentation should be emulated. Prior research organization of relevant material, and a brief precise presentation should be an obligation of any speaker. A panel presentation is not the place for fragmented, off the cuff remarks."

"Panels on evaluation and legal issues quite good."

"There should be more panel debates like the one between Ms. Goldberg and the district attorney on legal issues."

"More debates showing contrary views."

"Some panelists were not totally prepared."

"Have a broader section of the criminal justice system, e.g., judges and prosecutors, represented on panels, etc."

Ratings of the Thursday Afternoon Workshops

The one portion of the Conference during which participants had an opportunity to choose among several different sessions proved to be highly successful. The ten different sessions held Thursday afternoon (nine workshops and one panel on "national scope research") were deliberately designed to appeal to different audiences. Some were intended specifically for persons working release programs, for example, while others were aimed at persons in diversion projects. There were also some workshops (e.g., those on upgrading para-professionals and on national scope research) which cut across program lines and sought to address common problems in the pretrial services area. Virtually all of these workshops were given high marks by those who attended them and turned in the evaluation sheets, as Table 3 indicates.*

* Table 3 (page) shows mean evaluation scores of nine of the ten workshops, measured in terms of three criteria: ability of discussion leaders to identify pertinent issues; ability of discussion leaders to hold a quality discussion of the issues; and the respondent's interest in the discussion. Evaluation sheets were not received for the workshop on formalizing program operating authority.

Table Three

Respondents' Ratings of the Thursday Afternoon Workshops - Mean Scores

<u>Workshop</u>	<u>No. of Respondents</u>	<u>Mean Score Ability of Discussion Leaders to Identify Pertinent Issues</u>	<u>Mean Score on Ability of Discussion Leaders to Lead a Quality Discussion of the Issues</u>	<u>Mean Score on Respondent Interest in Discussion</u>
Front line decision-making in pretrial release projects.	20	1.895	2.053	1.474
Front line decision-making in diversion projects.	19	2.526	2.474	2.105
Involving the Community.	7	1.857	2.143	1.429
Starting a New Program.	5	3.400	3.600	2.000
Going from Pilot Program to Permanent Status.	8	2.375	2.375	2.500
Program Management.	8	1.750	1.571	1.375
New Directions for Training	5	2.000	2.400	2.400
Upgrading Paraprofessionals	5	2.000	2.000	2.000
National Scope Research	21	2.143	2.143	1.952
Total	98	2.186	2.250	1.876

Overall Ratings of the Conference

One of the questions on the "comprehensive" evaluation distributed to Conference participants asked their overall rating of the Conference, using the same 1 - 5 scale. Since these evaluation forms were distributed (and for the most part collected) on Thursday morning, they do not reflect participants reactions to the generally well-received Thursday afternoon workshops. Nevertheless, the overall ratings from the 61 persons who answered this question were quite favorable, as Table 4 shows:

TABLE FOUR

Respondents Overall Ratings of the Conference

Rating	% of Respondents	No. of Respondents
1	6.6%	4
2	52.5%	32
3	32.8%	20
4	8.2%	5
5	--	0

Mean: 2.426

N= 61

RECOMMENDATIONS REGARDING FUTURE
CONFERENCES AND RELATED TRAINING PROGRAMS

1. Allow much more lead time for planning the conference than the three months that was available for planning the 1974 Conference. Ideally, the planning for a 1975 meeting should begin immediately, while recollections of the strong and weak points of this year's conference are still fresh. In any event, however, a minimum of six months advance work is probably necessary to adequately develop a draft agenda, get feedback on it from prospective participants, make revisions, arrange for top-notch panelists and discussions leaders, obtain and reproduce quality resource materials, ensure that adequate hotel facilities are available, and handle the myriad of logistical problems involved in running a conference.

2. Hold future national conferences at a different time of the year than June. Informal feedback from participants indicates that since it is the end of the fiscal year in many jurisdictions, a number of program administrators (as well as representatives of funding agencies) are involved in the preparation of final reports and budget requests. In addition, many programs have already spent their travel monies by June. April, September, or October might be better months for holding a national conference.

3. There should be greater involvement of middle-level staff members of pretrial release and diversion programs in planning future conferences. There was some feeling among participants that too many of the sessions at the 1974 Conference were geared toward program administrators, and that there should have been more emphasis on subjects that were of interest to line staff, such as interviewing techniques and developing community resources.

4. Position papers should be prepared on specific topics, preferably by persons who will be participating in working sessions at the conference. If the conference agenda is prepared far enough in advance, members of major panels would have time to write papers for advance distribution to pre-registrants and other panelists. This early preparation and distribution would facilitate more structured debates and discussions at the conference.

5. In planning future conferences, more emphasis should be placed on meeting the needs of the diverse groups that will be in attendance. For example, release and diversion programs often deal with distinct issues and problems. Similarly, an older program may be concerned with matters such as institutionalization and expansion, while a new

program is confronted with problems such as the need to develop viable operational procedures for verification and notification. The conference should include both workshops and plenary sessions for these diverse groups. However, in view of the fact that all pretrial service programs have many common needs and problems, there should continue to be some panels and small group sessions aimed at all conference participants.

6. Consideration should be given to developing special sessions, early in the conference, for persons who have only recently become involved in the pretrial services field. A surprisingly large percentage of the evaluation respondents (51% of those affiliated with programs) had been with their programs less than a year.

7. A distinction should be made between discussion groups and workshops. A discussion group would be a small group that meets to discuss relatively broad issues raised at a panel session that are common to various types of pretrial service agencies. Such groups probably need not--and perhaps should not--be organized on the basis of common backgrounds such as similarity in type of program. By contrast, a workshop would consist of a small group of individuals with basically similar problems and concerns (e.g., staff members of newly-organized

diversion programs) who meet to exchange ideas and discuss a relatively narrowly defined topic among themselves, perhaps with a panel of 2 to 5 experts. There are serious difficulties in developing viable schedules for discussion groups and workshops, but it should be possible to overcome them with adequate lead time to plan the conference. At the next conference somewhat more emphasis should be given to such workshops, with correspondingly less emphasis on heterogeneous discussion groups.

8. The program (and the program planners and moderators) should be flexible enough to permit last minute changes in the conference agenda. If special or unanticipated issues arise during the conference, or if interest in a topic is high enough to warrant extending a session, there should be enough leeway in the program to permit this. Nick Gedney's handling of the suggestion that the conference remain in plenary session rather than break into discussion groups following the Thursday morning panel on legal issues is an excellent example of such flexibility.

9. More speakers and discussion leaders should be brought in from other fields related to the administration of criminal justice. Many of the problems and issues that relate to the operation of pretrial service programs can be dealt with more realistically if judges, prosecutors, public defenders, police

chiefs, representatives of community groups, and others whose views are relevant to the success of release and diversion programs are included in the discussions.

10. Greater emphasis should be given to the needs and problems of programs which address (or might consider addressing) at least some special target populations, such as drug abusers, juveniles, women, and "high risk" defendants.

11. Attention should be given to the needs and perceptions of the defendants themselves -- the persons who are the "consumers" of the services provided through the programs. It might be useful to bring some persons who have been "processed" by release and diversion programs into the planning process and into conference panels or workshops.

12. A greater variety of training techniques should be used at conferences. If more small group sessions are used, for example, it would be possible to use video-taping, role-playing, and other exercises to stimulate discussion and problem-solving.

13. Adequate time should be allowed for a question and answer period after each plenary session. As the participants made clear following the panel session on legal issues, it can be very frustrating to listen to new and diverse ideas

brought out in a panel discussion and not have time for any group discussion. In addition to having such plenary Q and A sessions, smaller discussion groups and workshops can be structured to have one or two panelists as discussion leaders following the major panels.

14. The practice of providing conference participants with a notebook containing the best current literature on the topics to be covered during the conference should be continued. According to the evaluation questionnaires from the 1974 Conference, a very high rating was given to the resource notebook that contained 13 articles on the issues raised at the panels during the conference. If possible, such materials should be distributed in advance of registration.

15. The registration system should be organized so as to enable participants to register quickly, without long lines. It would probably be helpful to divide registrants alphabetically, using two or three different desks, during peak periods. In particular, those who have pre-registered should be able to pick up their materials without delay.

16. A preliminary list of conference participants should be prepared at the end of the first day of registration. If adequate secretarial assistance, office supplies, and reproducing facilities are available, this should not be a difficult task. Such a list would be useful to many of the attendees.

17. Good recording equipment (including floor microphones to pick up questions from the audience) should be used to tape plenary sessions, and secretaries should be available to begin transcribing the tapes of plenary sessions as soon as they are over. If rough transcripts are available quickly, it should be possible to prepare a synopsis of the points made at each session within a short time after the conference is over. It will take longer to produce complete transcripts, but efforts should be made to do so and to distribute them to Conference participants and other interested persons.* Some transcripts, with appropriate editing, might be suitable for publication in a law review or other professional journal.

* The plenary sessions of the 1974 Conference were taped, but the quality of the recording varies. Listening to the tapes, it is particularly difficult to understand the questions from the audience, and it is impossible to identify who asks a particular question. As of the date of this report, rough transcripts of two of the sessions -- the one on legal issues and the one on evaluation research -- have been typed. The initial transcription of the tapes is a time-consuming task, and additional time is needed for verification. There is also a question of whether verbatim transcripts or edited transcripts are a more useful working tool for persons interested in the field. Since the primary purpose of publishing them would be to stimulate research and discussion in a topical area, and since well-edited transcripts are vastly more readable than verbatim ones, it is probable that edited versions are more useful. If funds permit, edited transcripts of at least the legal issues and evaluation panel sessions will be prepared and distributed to Conference participants and others.

18. Procedures should be established for handling proposed resolutions. Such procedures might provide, for example, that resolutions be submitted in typewritten form, suitable for reproduction, to a committee of NAPSA board members who would review each resolution and make recommendations with respect to it prior to debate in plenary session. This would aid in providing structured and orderly consideration of proposed resolutions.

19. To the maximum extent possible, regional and single-state training programs should be developed and implemented. While there are many problems that are national in scope and common to pretrial service programs everywhere in the country, some issues can best be dealt with on a much more limited geographical basis. The development of legislation and court rules affecting pretrial release and diversion programs is a prime example, since statutory patterns and court rule-making authority vary widely among the states. Some operational problems (e.g., establishment of eligibility criteria and verification procedures) are also especially appropriate for discussion by persons from the same area, since familiarity with local customs and court procedures is important in addressing such problems. Furthermore, if state-wide or regional training sessions are held, it should be possible for a larger proportion of program staff people -- below the level of program director -- to attend them.

NAPSA Officers and Committees

At the NAPSA business meeting on Wednesday afternoon, June 26, the following persons were elected to membership on the Association's Board of Directors for 1974-75, holding the offices indicated:

President	Bruce B. Beaudin
Vice President	Eddie Harrison
Secretary	Robert L. Williams, Jr.
Treasurer	Dewaine L. Gedney, Jr.
Eastern Region Representative	John A. Calhoun
Central Region Representative	Richard F. Scherman
Western Regional Representative	Arturo A. Hernandez
At Large Representatives for Two Years	Ennis J. Olgiati James H. Davis
At Large Representatives for One Year	Ann Jacobs Tony Rushing

On the evening of Thursday, June 27, the new NAPSA Board of Directors held its first meeting. At that time, the Board established eight committees and designated persons to chair them, as follows:

Committee on Women and Pretrial Services	Ann Jacobs
Drafting Committee	John Bellassai

Diversion Committee	John A. Calhoun
Committee on Release on Recognizance	Anadele Walters
Committee on Information Gathering and Dissemination	Wayne Thomas
Site Selection Committee 1976	Dewaine L. Gedney, Jr.
Program Committee	Ennis J. Olgiati
Membership Committee	Robert L. Williams, Jr.

The addresses of all members of the board and all persons designated to chair specific committees appear in the list of Conference participants.

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