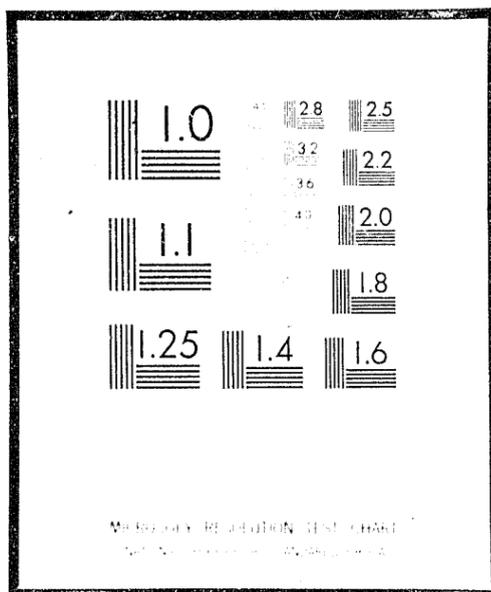


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U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

Date filmed 4/15/76

JUDICIAL PILOT PROGRAM
OF
SANTA CLARA COUNTY, CALIFORNIA

EVALUATION REPORT



Final Report

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The evaluation of the Program and the preparation of this report were financially aided through a Federal grant from the Law Enforcement Assistance Administration and the California Council on Criminal Justice under provisions of Title 1, Part C, Omnibus Crime Control and Safe Streets Act of 1968 as amended.

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I. THE ROLE OF THE NATIONAL CENTER FOR STATE COURTS

Under contract with the Judicial Pilot Program (the Program) the National Center for State Courts (the National Center) conducted an independent evaluation of the Program. The terms of an evaluation contract were set forth in the grant by which the Program was funded by the Law Enforcement Assistance Administration (LEAA). (Contract No. D3295-1-74.)

Evaluation Scope and Approach

The grant award called for continuous evaluation of the Program during the period beginning July 1, 1974 and ending June 30, 1975. However, the contract between the Judicial Pilot Program and the National Center set the period for evaluation between June 10, 1975 and August 15, 1975. Thus, the evaluation was post-Program rather than continuous. Field work was completed on July 25, 1975.

The evaluation was conducted in twenty-eight man-days by three representatives of the Western Regional Office of the National Center.

The means for evaluating the program included a review of the terms of the grant award, an examination of documentation concerning the Program's historical and administration documentation, and an analysis of approximately thirty personal interviews with judges, representatives of criminal justice agencies in the County, and representatives of citizen interest groups. Opinions from interviewees were tabulated, and the results were documented and analyzed. Two members of the evaluation team attended a meeting of the Joint Committee of judges on July 23, 1975, and

their observations at that time were incorporated in formulating the conclusions that are reported.

The background and history of the Program in Section III was adapted by the National Center from material originally prepared by the Director of the Judicial Pilot Program, since the National Center was not party to the activities or events described.

Evaluation Objectives

As required, this evaluation report addresses two basic questions:

- Has the Program achieved the objectives set forth in the grant award?
- Should the Program be continued in its present form or in a proposed revised form?

In order to attain an adequate perspective, the evaluation team explored several subsidiary issues such as the impact the Program had on the courts or criminal justice system in Santa Clara County, the benefits of the Program that may not have been contemplated originally, the compliance by the Program staff with applicable administrative and policy directives, and what modifications are desirable if the Program is to be continued.

Program Goals and Objectives

The following material represents the most relevant section of the grant award in reference to the goals and objectives of the Judicial Pilot Program:

A. Goals*

"The purpose of this project is to strengthen and improve the criminal justice system in Santa Clara County by giving all local judges substantial assistance in developing, adopting and carrying out those means by which they may better and more certainly perform their proper activities and fulfill their public responsibilities in the performance of those duties which are devoted to the administration of criminal justice."

In attaining this purpose, the project will develop and implement an original process of systematic inquiry and action designed to:

1. Enable the Judges to analyze and compare the goals and standards of the Judicial system, having in mind the major contemporary problems and issues facing them and the criminal justice system as a whole;
2. Enable all Judges individually to formulate goals, standards and recommendations which they feel to be acceptable and to enrich their own judicial lives by learning and experience.
3. To enable all Judges to adopt goals, standards and recommendations which they feel are appropriate to the Judiciary as a whole;
4. To enable Judges to determine the proper methods for implementing such goals, standards and recommendations which might be selected for the Judiciary as a whole, and to compare the various alternatives whereby goals may be met and standards upheld, and
5. To give to the Judges the tools with which they may evaluate the general worth, utility and benefits of goals, standards and recommendations which they may adopt and enforce.

"While many goals, standards and programs which are defined and developed by the project may have value to other jurisdictions, it is the testing and demonstration of the methodology — an original process of systematic

* Discretionary Grant Award Contract No. D3295-1-74, Project No. D-3295, pp. 9-1 - 9.3.

inquiry - used in conducting the proposed work which gives this project experimental and "model" characteristics.

"It is not assumed that techniques found to be applicable and successful in Santa Clara County will be transferable to other jurisdictions without careful thought given to differences in size, population makeup, law, politics, and the like. However, by carefully documenting and studying the methods used in conducting the project, concepts and principles should emerge to more completely describe and understand the process by which local Judges in Santa Clara County have taken concerted action to deal with common problems. This increased understanding and its documentation should have great interest and value to other parts of LEAA Region IX and throughout the nation. . . .

B. Objectives

"The primary objective of this project is to formulate goals, standards, and recommendations which will assist the Judiciary in the administration of the Criminal Justice System in Santa Clara County.

"Achieving this objective calls for the Judges to determine and define their role outside the courtroom. For example, what should be the role of the Judge in terms of his/her relationship to the various programs and services provided by the criminal justice system and by the public and private sector? Should Judges be involved in planning, policy-setting, directing, administering or controlling any of these programs? . . .

"To meet this major objective, it will be necessary to develop and implement, under the direction and control of a Judges' Committee, a program to:

1. Make more information available to the Judges regarding local, state and national programs, trends and issues in criminal justice, including goals and standards; and to evaluate the impact and relevance of these programs and trends, as they relate to the local Judiciary.
2. Strengthen existing, and establish new, methods of communication, coordination and concerted action among the various members of the Judiciary, and between the Judiciary as a whole and the other criminal justice agencies and private organizations which may be involved.
3. Define new programs in the Courts and assist interested Judges in modeling, and implementing these programs under the aegis of the committee.
4. Propose methods for providing the Judiciary with the capabilities for ongoing research, planning and concerted action."

II. CONCLUSIONS AND RECOMMENDATIONS

This evaluation was undertaken to determine the extent that the Judicial Pilot Program in Santa Clara County met its stated objectives. Hence, the first task was to review the grant proposal and use it as a guide to establish evaluation criteria. The list of these criteria was then submitted to the Program Director and his staff for review.

Criteria focused on three areas: 1) Program impact within the courts; 2) Program impact on the overall criminal justice system; and 3) compliance with the contract and administrative directives.*

Since the National Center's evaluation took place after completion of the first year of the Program, it was necessary to base its findings, conclusions and recommendations principally upon interviews with the participants and others in Santa Clara County familiar with it. For this purpose, two separate interview schedules were established, one for court-affiliated personnel and the other for non-court participants and individuals. A list of potential interviewees was developed by the Program Director; this was used by the evaluation team to choose those to be interviewed. The choice constituted a wide spectrum of viewpoints, ranging from persons very familiar with the Program to those comparatively unfamiliar with it.

Has the Program Achieved Its Objectives?

The National Center believes the Program achieved many of its objectives, but it is still too early to judge its impact on the criminal justice system in Santa Clara County. The Program's impact on the Superior and Municipal Courts is more apparent and appears to

be more substantial. These statements must be qualified by explaining that the Program's impact seems better judged by subjective attitudes and hopes than by the objectives of the grant proposal.

The grant proposal was deliberately couched in broad and vague terms in order to provide the judges' committee with ample opportunity for testing various approaches and applying new concepts. Although this is an acceptable strategy, it complicates the task of evaluation.

Not everyone involved shared the same understanding of the Program's objectives. For instance, the grant proposal refers repeatedly to the development of standards and goals. At the time it was submitted, the National Advisory Commission on Standards and Goals had just released its reports and California was one of many states that had begun developing a comprehensive set of such standards and goals for the entire criminal justice system through a program known as "Project: Safer California." Therefore, some expected that the Program would develop "standards and goals" modeled along lines similar to those of the National Advisory Commission or the American Bar Association. This was not the case.

As the Program developed, many of the participants in the Program felt that traditional standards and goals would simply duplicate the above-referenced work. They therefore turned their attention to developing a statement of principles germane to the concerns of Santa Clara's courts and justice system. The Statement of Principle* is seen by many as a workable set of goals adequately responsive to the objectives of the project proposal.

The National Center concludes that the Statement of Principle is not a traditional, comprehensive set of standards and goals, but it

* See Appendix C for the full set of evaluation criteria.

*See pages 18-20, infra

does respond to Santa Clara's needs and fulfills a less rigid definition of the term "standards and goals."*

Another principal objective of the Program was development of a new process through which criminal justice issues could be addressed and solutions tested. Again, the term "process" was not clearly identified in the proposal. As the Program evolved, the "process" came to mean the formation and deliberations of a joint committee of the Municipal and Superior Courts, using the assistance of fulltime staff. That process is unique in California. Its success cannot be measured objectively (other than pointing to the Statement of Principle). The enthusiasm of its members and the non-court individuals who have dealt with it is considerable, however, and perhaps a more meaningful measure of success. The process evolved slowly, at times painfully. The Committee's work gained stature and effectiveness through the grant year: it now appears to be an effective working mechanism.

The impact of the County Charter Revision Commission on the process and development of the Statement of Principle is unclear. The Commission's questioning whether adult probation should remain the responsibility of the courts may have forced them to define their responsibilities in that area more fully. Others believe the same result would have been achieved without the Charter Revision Commission, but perhaps more slowly. It is impossible to tell at this point.

Related to the development of a new process is improvement in communication between the courts and other criminal justice agencies.

* After the field work for the evaluation was completed, the Program Director submitted to the Joint Committee a detailed analysis of the National Advisory Commission's Standards and Goals for Courts and their relevance in Santa Clara County. Action may be taken on the Director's recommendations before the extension period ends.

The enhanced opportunities for communication with the courts that the Joint Committee provided were appreciated, but were still seen as insufficient by several of these other agencies. On balance, the Program appears to have met its objective of improving communication and coordination with other segments of the criminal justice system, but the evidence is not conclusive.

Improved communication is one aspect of the outward directed objectives of the Program. It also was to assist judges to define their roles outside the courtroom. Adoption of the Statement of Principle was a significant step toward the latter objective. The conferences and written material distributed to the judges increased their familiarity with the operations and facilities of some aspects of the justice system. Although much remains to be done, the Program made a significant start in helping the judges define their roles outside the courtroom.

The grant proposal suggested the Program would implement the standards and goals adopted. This was not done. There is virtual unanimity that this will be the principal goal of the coming year (if funding for the coming year is obtained).

There was no implementation because the entire year was consumed in developing a workable process and the Statement of Principle. Some expressed disappointment that implementation was not achieved. But most, at the same time, conceded that the Program probably achieved all that reasonably could be expected.

The Program was a pioneering effort which had to overcome at least three substantial barriers: 1) a traditional lack of communication between Municipal and Superior Courts; 2) concern by some

Superior Court judges that the Program might lead to consolidation of the trial courts; and 3) the reluctance of judges to act without unanimous consensus. These barriers cannot be hurdled overnight. The testing of alternatives and the gradual defining of purpose envisioned by those who had drafted the original proposal were necessary for the Program to achieve the broad acceptance it seems now to have achieved. The Program failed to meet its stated objectives of implementation, but that does not mean the Program failed.

Should the Program Be Continued?

The Program has made a good start, but, as indicated, it is only a start. It needs more time to achieve its potential, especially with respect to implementation of the Statement of Principle. It requires a staff to act as a focal point for its work. Judges could not effectively conduct the Program without this type of support. A director and a small support staff, plus sufficient funds to use consultants as needed, should be adequate. Residual funds exist from the first grant year. They should be used to continue the Program for implementation purposes. The Program then should be continued for an additional period under a federal grant. The second phase should be continued for a reasonable time, but at least until June 30, 1976. During this second phase, a program should be developed for achieving county funding thereafter.

As soon as possible, LEAA, the California Office of Criminal Justice Planning and the Regional Criminal Justice Board should clarify and resolve their requirements regarding standards and goals. If the Statement of Principle is deemed not to meet the requirements, a clear statement of what will be accepted should be provided.

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For the Program itself, there should be a more specific delineation of goals and objectives for Phase II. This delineation should follow the setting of priorities by the Joint Committee for dealing with problems and issues which appear to fall under the following structure.

- Outward Focused
- Criminal Justice Agencies
- Community Groups
- Courts-Focused
- Municipal
- Superior

Problems and Issues	
Policy	Operational

To date, attention of the Joint Committee seems to have been devoted to problems and issues that are operational and court focused. More attention should be paid to outward focused concerns.

Judges still need to define their responsibilities. Some judges do not see this Program and the areas to which it is oriented as part of their responsibility. With this view, and since the judges who have been involved in the Program have been using their own personal time, they sometimes may choose not to participate. Consideration should be given to defining judicial responsibility to include efforts such as this Program.

The Joint Committee should determine guidelines and procedures to handle more efficiently unexpected as well as regular agenda

items which are brought to its attention. These should relate to established priorities, if possible.

Public relations, communication and coordination of this Program should be improved in relation to:

- a. All members of both courts;
- b. All court support functions;
- c. Other criminal justice agencies;
- d. Other county agencies;
- e. Community groups.

The Program was weak in this regard. These should be an inherent aspect of implementation and attention to them is needed to help satisfy some of the original objectives of the Program.

The Program could be duplicated or emulated in other counties. If it is, there needs to be an early orientation program (preferably before the grant year starts) for judges and staff, so they may obtain a clear sense of direction and be educated on expected results. This should reduce time which otherwise may be used to understand and define what is to be done. Consequently, more realistic project timetables could be developed.

The Program during Phase Two and any similar program in another county would benefit from independent evaluation proceeding concurrently, to observe changes and problems and also provide helpful feedback to the project.

III. BACKGROUND AND HISTORY OF THE PROGRAM

The quality of the judiciary in Santa Clara County is regarded as being among the highest in the state. The County's population is approximately 1,200,000.

Santa Clara County has twenty-one Superior Court judges; ordinarily, six judges hear criminal cases and two judges are assigned to juvenile cases. There are twenty-six Municipal Court judges in the county (which is divided into six judicial districts), a judge of the justice court, and two traffic commissioners. Each Municipal Court district has a presiding judge, but no one person acts as presiding judge of Municipal Courts for the entire county. The Municipal Court judges have formed a Conference which meets once a month for a dinner meeting - providing a convivial and convenient way to discuss problems of mutual concern.

A group of Santa Clara County trial court judges, in early 1974, decided to take a close look at what their role should be in the growingly complex criminal justice system. The inquiry was launched by a joint committee of five Superior Court judges and five Municipal Court judges.^{1/}

The inquiry began as a result of increased involvement by the Santa Clara judiciary in pretrial release programs, diversion programs, participation on the Regional Criminal Justice Planning Board, and a number of other programs related to the criminal justice system.

^{1/} See Appendix A for a list of the Committee members.

As discussions on judicial responsibilities began, the judges soon realized this was a substantial task, requiring both a coordinated plan and more time than they had. The result was an LEAA grant which permitted employing a small staff.

It should be noted that the judges of the county were not unanimously in favor of this project. There were some strong objections. Nevertheless, approval by a majority of both benches was given and the Judicial Pilot Program was launched.

The joint committee continued its activities throughout the Program. Many committee sessions were spent identifying judicial needs and problems.^{2/} These covered a wide gamut, ranging from complaints of inadequate secretarial service to the need to be better informed about community treatment agencies which were being used by the courts for defendants suffering from drug addiction, alcoholic problems, and mental illness.

The job of staff was to help identify these judicial needs and problems, suggest what the responsibilities of the courts should be, translate the variety of suggestions and ideas discussed by the judges into some sort of sensible order, and suggest a plan for the future. Research revealed no instance in which a joint committee of Municipal and Superior Court judges had been created and was served by a full-time staff.

A significant amount of joint committee and staff attention was devoted to drafting and reviewing a Statement of

^{2/} See Appendix B for a chronology of committee meetings and conferences held during the Program.

Principle. Some of the problems to which the Statement of Principle addresses itself were known to the judges, some were not. The following specific problems headed the list and are illustrative:

1. Neglect of and lack of interest in the problems of the Probation Department.
2. Complaints from all officials in local criminal justice agencies and programs that there was no way of getting the judicial ear or support for new programs.
3. As a corollary, there were strong feelings that, as the judges were the most important and critical people in the system and refused to meet with other officials, they were a major obstacle to any possible progress.
4. The failure of the courts to visit local or state institutions to which they were sending defendants so that they could familiarize themselves with the problems, programs, and capabilities of these institutions.
5. Sentencing disparities which made the system seem like a game of chance or "roulette wheel justice." The staff also discovered, as did the judges, that their beliefs of how other judges in their own court were sentencing were frequently erroneous.
6. Charges of fiscal irresponsibility by people in the legislative and executive branches of local government. The crux of this was that, particularly when it came to the Probation Department, judges placed numerous persons on probation who

did not need supervision or could not be helped. This resulted in a need for more probation officers and increased taxpayer costs. It also frustrated professional probation officers who had caseloads of people with whom they could do little. Costs and caseloads soared, morale declined.

At the early stages, the views of judges regarding these and other concerns were quite disparate, with some believing there were no problems, others believing their roles were adequately and fully defined already, and still others believing they were responsible for policy and administration of associated agencies.

To some extent, this disparity existed because the judges had given little, if any, previous thought to what their responsibilities should be. Gradually, more accord came about. As conversations went on, as staff memos pointed out problem areas, and after two conferences were presented dealing with sentencing problems and probation procedures, even those judges who were strongly opposed to the creation of the project started talking about judicial responsibilities, what they should be, and how they could be carried out.

The Statement of Principle set forth the responsibilities and goals of the criminal and juvenile trial court judges of the county. After completing the Statement of Principle, it was unanimously agreed that without an implementation plan nothing would change. The judges on the project agreed that a joint committee of judges from both courts should participate equally in the work that had to be done and that distinctions between the two levels of trial courts should be eliminated in dealing

with problems of mutual concern. The harmony with which their own similarly composed committee had operated convinced them this was feasible. Thus, the plan calls for equal representation from the Superior and Municipal Courts. The committee selects the chairman and vice-chairman from different courts.

There was unanimity that the committee could not function effectively without staff. There was considerable debate as to where the staff should be placed organizationally. The Superior Court has a Court Executive; the Municipal Courts have six, with one in each district. Some of the Superior Court judges believed that the staff should be headed by their Executive Officer; they felt that friction and derogation of his authority would result if a separate, independent staff was created. The Municipal Court judges feared that, having no authority over the Court Executive (who serves at the pleasure of the Superior Court judges), they would have no control over him and he would give first priority to Superior Court problems. A compromise was finally reached: the staff will be under the administrative supervision of the Court Executive, but in the performance of these duties, he will be solely responsible to the Joint Committee, not to the Superior Court.

The Statement of Principle may be a landmark in the history of the judiciary in that it marks, so far as is known, the first attempt to define and set forth judicial responsibilities in the criminal and juvenile area - at least by a group of trial judges from one jurisdiction. Most laymen will see nothing surprising in it; they thought judges were already doing these things. The

fact that they now have accepted and defined them is a significant step in judicial development in California.

The statements adopted by the judges are not inflexible. As experience dictates, evolution and revision will take place. The judges hope that as others hear and read of what is being attempted in Santa Clara County, suggestions and new ideas will be transmitted for consideration. Perhaps some other jurisdictions will proceed along similar lines and information about experiences, successes, and failures will be circulated and shared.

The Statement of Principle and the Resolution to Implement the Statement of Principle are set forth in full on the following pages.

STATEMENT OF PRINCIPLE

regarding

Responsibilities and Goals of Criminal and
Juvenile Trial Court Judges in Santa Clara County

The judges of the Superior and Municipal Courts of Santa Clara County have made and agreed upon this Statement of Principle which we believe will assist us in our continuing efforts to resolve problems of mutual concern and to improve further the administration of criminal justice in this county. In doing this, we recognize and will preserve the right and responsibility of every judge to exercise independent judgment at all times in fulfilling and carrying out his judicial responsibilities. We believe, however, that the principles and responsibilities set forth below may serve as useful guidelines for all judges who sit in our criminal and/or juvenile courts.

- I. Making policy for agencies over which we have statutory authority.
 - A. The Superior Court judges have the exclusive, statutory authority to appoint and remove the Adult Probation Officer (pursuant to Section 1203.6 of the California Penal Code). By reason of this authority, we have the duty to set policy for the Adult Probation Department.
 - B. Since the Municipal Courts of this county rely upon and utilize the services of the Adult Probation Department in a most significant manner, we therefore also agree that the judges of those courts should participate in an advisory capacity with the judges of the Superior Court in setting policy for the Adult Probation Department.
 - C. We agree that the Superior Court judges should set policy for the Juvenile Probation Department and oversee its management.
- II. Making policy for agencies or programs over which we have accepted authority.
 - A. We agree that Superior Court judges and the Municipal Court judges should jointly set policy for the three pretrial programs over which they have accepted responsibility: Release on Own Recognizance, Supervised Release on Own Recognizance, and Project Intercept. We further agree that whether we should set policy for any future programs which may be created, and whose operations like those of the above are directly related

A. (Continued)

to the functioning of the courts, should be considered on a case-by-case basis.

B. We have the responsibility of seeing that the policies we set for such programs are administered competently.

III. Participating in policy making for agencies or programs over which we have no direct authority.

A. We recognize a joint responsibility of both the Superior and Municipal Court judges to work closely with the appropriate agencies of government to make certain that the data furnished by the courts to the county Criminal Justice Information Control System (CJIC) and to other record-keeping systems is both accurate and current.

IV. Standards of Post-conviction Activities

A. We recognize it is desirable to visit, as soon as possible and as time permits after assignment to a criminal or juvenile court, state and local facilities to which we sentence offenders, so that we will be acquainted with these facilities and their programs.

B. We recognize the desirability of maintaining communication with the Sheriff regarding local jail programs and problems and maintaining the security of the courts.

C. It is desirable for us, within our available means, to encourage and support effective state and community agencies and programs which seek (1) to prevent or reduce crime, (2) to supervise or assist persons who have been diverted before trial from the regular criminal process, and (3) to supervise or assist persons who have been convicted and sent to them by the courts.

D. It is desirable that we exchange information and discuss with each other our sentencing policies and practices, to the end that we may eliminate any gross disparities of sentencing and explore methods of eliminating such disparities if they exist. We recognize, however, that such interchange cannot and should not interfere with the ultimate authority and independence of the sentencing judge to render that sentence which he deems most appropriate.

V. Promoting Continuing Education for the Judiciary of Santa Clara County.

A. It is desirable that we promote and participate in educational programs for all judges who newly assume the

A. (Continued)

criminal bench and that we promote and participate in programs, both local and otherwise, respecting continuing education in matters relating to our courts, to the end that the highest standards of justice can be assured.

B. It is desirable that we remain currently informed concerning available sentencing alternatives, so that we may be assisted in determining what types of sentences are most effective in protecting the community, deterring criminal conduct, and rehabilitating offenders.

VI. Promoting Open Communication Between the Courts and all other Local Criminal Justice Agencies or Programs.

A. We have a responsibility to encourage and maintain effective communication channels with our fellow judges and with all local criminal justice agencies and programs.

VII. We have a responsibility to see that competent private counsel are appointed by us in conflict situations to defend accused persons.

VIII. We have a responsibility to see that criminal cases are brought to a conclusion as expeditiously as reasonably possible, without impairing the rights of the accused or the interests of the community.

RESOLUTION TO IMPLEMENT STATEMENT OF PRINCIPLE

WHEREAS, the Judges of the Superior and Municipal Courts of this county have heretofore adopted a Joint Statement of Principle to guide their respective efforts in continuing to improve the quality of the Administration of Criminal Justice in this county;

AND WHEREAS, it is their desire to provide a practical way to realize the goals set forth in this Joint Statement of Principle,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. There shall be established and constituted a Joint Committee for the Administration of Criminal Justice, which shall consist of ten judges. Five members of said committee shall be appointed by the Presiding Judge of the Superior Court and five members by the President of the Conference of Municipal Court Judges of this county. The Judges so appointed shall hold office for a term of two years commencing July 1, 1975 except that, in order to achieve continuity, five of the original terms shall be for one year only, the committee to determine by lot or otherwise which of the original members shall serve for a one year term and which for a two year term. Vacancies in the committee shall be filled by the Presiding Judge of the Superior Court or by the President of the Conference of Municipal Court Judges of this county, as the case may require. The members of the committee will select a Chairman and Vice-Chairman, neither of whom may be from the same bench.

2. The Joint Committee will be empowered to do all such things as it shall deem proper to realize the goals set forth in the Joint Statement of Principle, provided that the committee may not adopt any rule or policy which in ordinary circumstances would be one established by any Court pursuant to its individual and inherent rule-making power or which would bind the absolute exercise of discretion by any individual trial judge.

3. As funds or circumstances permit, the Joint Committee shall be supported by a Court Services Staff consisting of one or more persons. Unless otherwise provided by a majority of the Joint Committee, the Superior Court Executive Officer shall serve as the Director of the Court Services Staff and shall be charged with the duty of implementing the goals of the Statement of Principle as directed by the committee. When acting in this capacity, the Superior Court Executive Officer shall be solely responsible to the Joint Committee.

IV. COMPLIANCE WITH EVALUATION CRITERIA, CONTINUATION AND TRANSFERABILITY OF THE PROGRAM

The data reviewed and interview responses were tested against the evaluation criteria. The results were critical input to the conclusions and recommendations of Chapter II. This chapter reviews in greater detail the degree to which the Program met the criteria. Where appropriate, comments by interviewees are included to supplement the summary conclusions regarding criteria compliance.

Evaluation Criteria

1. In evaluating the Program, it was necessary to determine whether the judges understood its goals and objectives. The National Center concludes that only those most actively engaged in the process had a firm grasp of its objectives, but that most of the others had at least an understanding of its general thrust.
2. The Program may have met a basic goal by "giving all local judges substantial assistance in developing, adopting and carrying out those means by which they may better and more certainly perform their proper activities and fulfill their public responsibilities in the performance of those duties which are devoted to the administration of criminal justice," but the comment of one respondent seems most apt: "It is too early to tell."
3. The Program did succeed in enabling "all judges individually to formulate goals, standards and recommendations which they feel to be acceptable and to enrich their own judicial lives by learning and experience."

4. The Program enabled "all judges to adopt goals, standards and recommendations which they feel are appropriate to the Judiciary as a whole."

"The Statement of Principle is more realistic than standards and goals for the judges of the County."

". . . Development of the Statement of Principle and Resolution was an original process."

5. The Program assisted judges substantially in developing "procedures" whereby they could improve their individual performances as members of the bench and also as responsible and involved participants in the broad context of criminal justice administration

Only two of the four planned seminars were held. These were not well attended. However, those who did attend seemed enthusiastic about the programs and appreciated the education, experience and materials.

Nearly all comments lauded the Program as a means for expanding judicial knowledge and concerns about the criminal justice agencies most directly affected by the courts, particularly probation services and corrections generally. Several interviewees said that the Pilot Project helped involve the judiciary in those programs, but that more time was needed. Whether those programs and the issues they entail are "proper activities" for a judge remained, for some judges, a matter for debate. Also, a few judges felt other state-wide organizations, such as the California Conference of Judges, did the same or possibly a better job in this regard.

6. The Program enabled judges to "determine the proper methods for implementing such goals, standards and recommendations which might be selected for the Judiciary as a whole, and to compare the various alternatives whereby goals may be met and standards upheld..." The formation of the Joint Committee makes possible an on-going policy "board" for implementation of goals that have now been formulated.
7. Through the "tools" and "assistance" offered by the Program staff, the judges spent much of the year's "Program" on devising goals, standards and recommendations which were in a form they felt to be more fitting for Santa Clara County, namely, the Statement of Principle and Resolution.

Interviewees acknowledged that the various exemplary national standards and goals were distributed, compared, discussed, and analyzed to some extent. Appropriate reference was made to them by the Committee in formulating their own Statement. Other materials on trends and issues in criminal justice were distributed. These opportunities had a mixed reception, although for the most part it was positive. Some confessed there simply was not enough time to read it all. Some wanted to concentrate on local matters. But there were expressions of specific interest. One was glad to learn what other Santa Clara judges were doing on drunk driving cases. Another was especially interested in rehabilitation and its effectiveness.

8. Santa Clara judges "tested and demonstrated" "an original process of systematic inquiry" - by forming a joint committee of representatives of both jurisdictions - and those interviewed by the National Center attested to the Committee as a viable mechanism for the courts to identify, review and address common problems on a regular basis.
9. The format developed by the Program will enable the Santa Clara judiciary to strengthen its capacity to conduct research and planning and to take concerted action for improving the criminal justice system.
10. The Program made "more information available to the judges regarding local, state and national programs, trends and issues in criminal justice," including goals and standards; and the judges are now better able "to evaluate the impact and relevance of these programs and trends as they relate to the local Judiciary."
11. There is evidence that the Program "strengthened existing, and established new, methods of communication, coordination and concerted action among the various members of the Judiciary, and between the Judiciary as a whole and the other criminal justice agencies and public and private organizations which may be involved." This improvement occurred later in the year. There is optimism that it will continue. The "methods" now exist, and these can be counted an achievement.
12. The Program did not succeed in defining new "programs in the Courts and assisting interested judges in modeling and implementing these programs under the aegis of the Committee." The majority of those who participated, in and outside of the Santa Clara County courts, are convinced that it is too soon to expect such implementation.

13. "Project: Safer California" did not have significance to the Program.
14. There was equal opportunity for all 47 judges in Santa Clara County to participate in the Program. But those assigned to criminal and/or juvenile matters were much more interested in participation.

One interviewee commented, "The Municipal Court originally was more interested and more supportive (of the Program), but the Superior Court judges came through and did the job. There was a partnership and that is an interesting result."

Some of the problems of participation were ascribed to the need to overcome "suspicion and apathy of judges;" "uncertainty over where we were going and whether we could reach any product we would be proud of and that could be accepted by the bench as a whole and the public;" "lack of mutual trust and understanding between the Superior and Municipal Courts regarding roles and functions toward common agencies of the criminal justice system." It appears most of these problems were overcome within the grant year, at least among Committee members.

15. The Program staff performed their tasks in accordance with the expectations of the courts. Since the Program was experimental and there was ample room for creative development, the staff can be said to have complied with "applicable administrative and policy directives."

The implementation of innovative projects is approximately three to six months behind the anticipated schedule, but is at a stage now that makes many specific, unique opportunities seem possible. The delay is explainable and understandable.

16. It is not possible to tell whether the Program "produced results which were not planned." In large measure, this reflects the ambiguities of the grant proposal. More careful documentation of such results, if any, would have been helpful.

17. The overall rating given the Program on its impact on the courts was approximately 3.5 on a scale of one to five, low to high.

The question of how the courts assess the Program's impact on themselves brought mixed response. Generally, it was felt that judges improved their own understanding of the extent and limits of their responsibilities within the criminal justice system. This was especially true of those who were active members of the Committee.

18. The assessment of the Program's impact by non-court personnel and persons in various segments of the Criminal Justice System was less positive. "Look at its accomplishments in another year," was a representative comment. The Program seemed to have given a clearer picture as to "where the judges stand" and this was taken as an improvement in communication.

One felt that the Program had been "too narrow" so far, and should expand in the coming year. Another gave the judges credit for listening, particularly at the seminars. But from at least one person in corrections the comment was, "There has been no perceivable change or improvement in the relationship with the courts."

It appears that the Program, because of its focus on developing the Statement of Principle, did not have as great an impact on the other segments of the criminal justice system as it might. Its potential for impact is broadly acknowledged, however.

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Questions related to continuation of the Program elicited speculation and suggestions, but few negative answers. Most of the responses were indications of how the Program could have been more effective and how it should be improved if it were continued.

A. General Comments

It was clear that many participants felt the Program needed more time and an opportunity to be implemented, and that eventually it could have a constructive impact throughout the criminal justice system. Some few thought it already had. One commented that although it is not yet evident, if the project's educational function were continued, it could effect beneficial changes.

Some of the constructive suggestions and comments offered included the following:

"It is sufficiently unique (the Program) that what is happening in Santa Clara is not happening anywhere else in California. If we can keep it going, we can accomplish things accomplished nowhere else in the country."

"This program produced a framework within which its work can be continued."

"There should be greater participation by all judges and existing staff. And there should be an organized plan for ultimate total county level financial support."

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"Whoever has the dollars. Longterm, I'd like to see the County pick it up."

"Wherever funding can be obtained. As a pioneering effort, it is better to use federal funds. On an on-going basis, it should be funded by the County."

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V. ADMINISTRATIVE AND CONTRACT COMPLIANCE

As part of the evaluation, the National Center conducted interviews, reviewed Program records and documentation, and confirmed whether or not there had been administrative and contract compliance. The following numbered points identify features of the grant upon which compliance was measured and conclusions formed.

1. The project approach as outlined in the grant award (pp. 9.11 to 9.23) was not followed specifically in detail. The discrepancies between plan and actions did not appear to be critical. Some of the key differences are as follows:

Chronologically, the project did not actually begin until August, instead of July 1. Thus, the Program started behind schedule.

The Program did not pursue the development of standards and goals throughout the grant year, since both the Joint Committee of judges and the Program staff believed that such efforts would duplicate the work of "Project Safer California." (See page 6 , supra.) During the 90-day extension period, the Project Director is preparing a memorandum addressing the application of the NAC standards and goals to the Santa Clara County municipal and superior courts.

Four symposia were originally planned, one to be held each quarter of the grant year, as follows:

<u>Title</u>	<u>To Be Held</u>
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judges, etc.).

A complete chronology of the joint committee meetings and those who attended them and the two symposia is included in Appendix B.

2. Methods used in this Program have been documented and can be studied for purposes of transfer to other jurisdictions. These include Irving Reichert's articles, minutes, and binder of materials and the Statement of Principle.
3. Results of the program were clearly documented and include the above listed items, together with a Resolution on Implementation and a final report.
4. Conclusions and recommendations which emerged during the Program were clearly documented; they consist of the Statement of Principle; the Director's report; and the results of the evaluation interviews.
5. Financial resources for this Program were not used according to the plan in the grant award. The National Center reviewed the financial records maintained in the Program office and confirmed them with the Santa Clara County Finance Office. Review of records maintained in the Program Office, produced the following summary information for the period ended June 30, 1975:

	<u>Total</u> <u>Cumulative</u>	<u>%</u>	<u>Federal</u> <u>Portion</u>	<u>%</u>	<u>County</u> <u>Portion</u>	<u>%</u>
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Unexpended Balance	<u>\$ 64,364</u>	<u>45</u>	<u>\$ 58,976</u>	<u>46</u>	<u>\$ 5,388</u>	<u>38</u>

This information was confirmed with Mr. C. Minaker of the County Finance Office on July 31, 1975. Accounting information for the month of July can not be confirmed until mid-August (after field work is completed).

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These unexpended balances are attributed to the following:

1. Program funding did not start until August or September 1974, instead of July 1.
2. Overall, fewer personnel were employed than planned and for a shorter period than planned.
3. Two instead of four conferences were held and facilities costs were not incurred as expected.
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 - . A consulting Project Director (100%).

- . An Associate Project Director (100%).
- . A Judicial Research Consultant (50%).
- . A Project Secretary (100%).
- . Special consultants.
- . Student interns.

The actual program staff was employed for a shorter period than originally planned. They included personnel in all the above classifications. However, savings which accrued from the associate project director's salary were used to employ the judicial research consultant for a longer period than originally planned (October to present). Also, a non-lawyer research associate was employed from September through January. Student interns were used substantially less than had been planned.

7. Consultant resources were used substantially less than planned. Research consultants and special consultants were budgeted in the grant award without designating specific tasks which they would perform. The research skills of the Associate Project Director were sufficient to offset the need to use additional research consultants, according to the Project Director.

Consultants were used primarily as resource people for the two symposia. Several were paid honoraria and were reimbursed for their expenses.

8. Proper, timely and informative interim or progress reports were made to LEAA and OCJP.

<u>Progress Reports Issued</u>	<u>Date of Report</u>
First Quarter	November 19, 1974
Second Quarter	January 17, 1974
Third Quarter	April 18, 1975
Fourth Quarter	July 24, 1975

Generally, these reports included:

- 1) A Financial Status Report;
- 2) A Summary of Activities for the Report Period;
- 3) Appendices related to details of the program activities and progress, e.g., joint committee meeting minutes, conference transcripts, and drafts of the Statement of Principle.

These reports did not indicate by task line item what was accomplished, nor compare actual tasks with the work plan in the grant award, but otherwise they appear to have been complete and to comply with the requirements.

No final report has yet been prepared nor submitted to LEAA and OCJP on the Judicial Pilot Program. According to the Project Director, a final report will be prepared and issued during the grant extension period (July 1 to September 30, 1975).

9. This Program was monitored by Mr. Kevin Ford, representing Criminal Justice Planning Board, Region J, Santa Clara County.
10. The Regional Criminal Justice Planning Agency's monitoring consisted of attendance at all of the Joint Committee meetings

and numerous discussions with the Program staff. Also the Program staff contacted other regional criminal justice planning representatives.

11. Periodic feedback from the Regional Criminal Justice Planning Board concerned funding the Program, and did not include any substantive program suggestions.
12. There were various explanations given by interviewees for the 90-day extension of the grant award and what would be accomplished during it. These seemed to reflect less than complete understanding, although this apparent absence of understanding by some should not affect the Joint Committee's and staff's work during the extension period.

Appendix A
Membership of the Joint Committee for
Judicial Pilot Program
Santa Clara County (as of June 30, 1975)

Superior Court Representatives

Hon. James Duvaras, Jr.
Presiding Judge of the Criminal Division

Hon. William J. Fernandez
Criminal Court Judge

Hon. William A. Ingram
Civil Court Judge

Hon. J. Barton Phelps
Criminal Court Judge

Hon. Eugene M. Premo
Criminal Court Judge

Municipal Court Representatives

Hon. Robert Beresford
San Jose/Milpitas Municipal Court

Hon. William F. Brown, Jr.
Santa Clara Municipal Court

Hon. Sidney Feinberg
Palo Alto/Mt. View/Los Altos Municipal Court

Hon. Edgar P. Taylor
Los Gatos/Campbell/Saratoga Municipal Court

Hon. Lawrence F. Terry
San Jose/Milpitas Municipal Court

Hon. Mark E. Thomas, Jr.
Sunnyvale/Cupertino Municipal Court

Criminal Justice Pilot Program

Robert Cushman, Director
John Pearson, Associate Director

Regional Criminal Justice Planning Board - Region J

George Shannon, Manager
Kevin Ford, Analyst (Courts Specialist)

Office of the County Executive

Paul Yarborough, Deputy County Executive
Dina Iguchi, Administrative Analyst

Judicial Pilot Program Staff

County of Santa Clara
First American Building
675 N. First St., Suite 508
San Jose, California 95112

Irving F. Reichert, Jr. Director
Martin L. Forst Assistant Director
Marialice Foley Legal Consultant
April Elizabeth Lewis Research Consultant
Linda G. Jackson Project Secretary

Other Members of Joint Committee During Its First Year

Hon. John R. Kennedy
Superior Court, Criminal Court Judge

Hon. John S. McInerny
Superior Court, Presiding Judge (1974)

Hon. John T. Racanelli
Superior Court, Civil Court Judge

Appendix B
Chronology of Joint Committee and
Subcommittee Meetings (Conferences Included)

1. Joint Committee - Wednesday, August 28, 1974

Present: Judge Sidney Feinberg Judge John T. Racanelli
 Judge John R. Kennedy John Pearson
 Judge J. Barton Phelps Irv Reichert

2. Conference - Friday & Saturday, October 18 & 19, 1974

<u>Present:</u> 14 Judges	10 Judges
1 Traffic Commissioner	2 Traffic Commissioners
5 Speakers	3 Speakers
4 Project Staff	4 Project Staff
7 Guests	5 Guests
<hr/> 31 Present on 10/18/74	<hr/> 24 Present on 10/19/74

3. Joint Committee - Wednesday, October 30, 1974

<u>Present:</u> Judge Robert Beresford	Judge John T. Racanelli
Judge Sidney Feinberg	Judge Lawrence F. Terry
Judge William J. Fernandez	Dina Iguchi
Judge William A. Ingram	John Pearson
Judge John R. Kennedy	Irv Reichert
Judge John S. McInerny	Marty Forst
Judge J. Barton Phelps	Marialice Foley
Judge Eugene M. Premo	Linda Jackson

4. Joint Committee - Tuesday, November 26, 1974

<u>Present:</u> Judge Robert Beresford	Sid Friedman
Judge Sidney Feinberg	Sheriff Geary
Judge William J. Fernandez	Jim Hinman
Judge William A. Ingram	Dina Iguchi
Judge John R. Kennedy	John Pearson
Judge John S. McInerny	Irv Reichert
Judge J. Barton Phelps	Marty Forst
Judge Lawrence F. Terry	April Lewis
Kevin Ford	Linda Jackson

16. It is not possible to tell whether the Program "produced results which were not planned." In large measure, this reflects the ambiguities of the grant proposal. More careful documentation of such results, if any, would have been helpful.

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- . Student interns.

The actual program staff was employed for a shorter period than originally planned. They included personnel in all the above classifications. However, savings which accrued from the associate project director's salary were used to employ the judicial research consultant for a longer period than originally planned (October to present). Also, a non-lawyer research associate was employed from September through January. Student interns were used substantially less than had been planned.

7. Consultant resources were used substantially less than planned. Research consultants and special consultants were budgeted in the grant award without designating specific tasks which they would perform. The research skills of the Associate Project Director were sufficient to offset the need to use additional research consultants, according to the Project Director.

Consultants were used primarily as resource people for the two symposia. Several were paid honoraria and were reimbursed for their expenses.

8. Proper, timely and informative interim or progress reports were made to LEAA and OCJP.

Progress Reports Issued

Date of Report

First Quarter

November 19, 1974

Second Quarter

January 17, 1974

Third Quarter

April 18, 1975

Fourth Quarter

July 24, 1975

Generally, these reports included:

- 1) A Financial Status Report;
- 2) A Summary of Activities for the Report Period;
- 3) Appendices related to details of the program activities and progress, e.g., joint committee meeting minutes, conference transcripts, and drafts of the Statement of Principle.

These reports did not indicate by task line item what was accomplished, nor compare actual tasks with the work plan in the grant award, but otherwise they appear to have been complete and to comply with the requirements.

No final report has yet been prepared nor submitted to LEAA and OCJP on the Judicial Pilot Program. According to the Project Director, a final report will be prepared and issued during the grant extension period (July 1 to September 30, 1975).

9. This Program was monitored by Mr. Kevin Ford, representing Criminal Justice Planning Board, Region J, Santa Clara County.
10. The Regional Criminal Justice Planning Agency's monitoring consisted of attendance at all of the Joint Committee meetings

and numerous discussions with the Program staff. Also the Program staff contacted other regional criminal justice planning representatives.

11. Periodic feedback from the Regional Criminal Justice Planning Board concerned funding the Program, and did not include any substantive program suggestions.
12. There were various explanations given by interviewees for the 90-day extension of the grant award and what would be accomplished during it. These seemed to reflect less than complete understanding, although this apparent absence of understanding by some should not affect the Joint Committee's and staff's work during the extension period.

Appendix A
Membership of the Joint Committee for
Judicial Pilot Program
Santa Clara County (as of June 30, 1975)

Superior Court Representatives

Hon. James Duvaras, Jr.
Presiding Judge of the Criminal Division

Hon. William J. Fernandez
Criminal Court Judge

Hon. William A. Ingram
Civil Court Judge

Hon. J. Barton Phelps
Criminal Court Judge

Hon. Eugene M. Premo
Criminal Court Judge

Municipal Court Representatives

Hon. Robert Beresford
San Jose/Milpitas Municipal Court

Hon. William F. Brown, Jr.
Santa Clara Municipal Court

Hon. Sidney Feinberg
Palo Alto/Mt. View/Los Altos Municipal Court

Hon. Edgar P. Taylor
Los Gatos/Campbell/Saratoga Municipal Court

Hon. Lawrence F. Terry
San Jose/Milpitas Municipal Court

Hon. Mark E. Thomas, Jr.
Sunnyvale/Cupertino Municipal Court

Criminal Justice Pilot Program

Robert Cushman, Director
John Pearson, Associate Director

Regional Criminal Justice Planning Board - Region J

George Shannon, Manager
Kevin Ford, Analyst (Courts Specialist)

Office of the County Executive

Paul Yarborough, Deputy County Executive
Dina Iguchi, Administrative Analyst

Judicial Pilot Program Staff

County of Santa Clara
First American Building
675 N. First St., Suite 508
San Jose, California 95112

Irving F. Reichert, Jr. Director

Martin L. Forst Assistant Director

Marialice Foley Legal Consultant

April Elizabeth Lewis Research Consultant

Linda G. Jackson Project Secretary

Other Members of Joint Committee During Its First Year

Hon. John R. Kennedy
Superior Court, Criminal Court Judge

Hon. John S. McInerney
Superior Court, Presiding Judge (1974)

Hon. John T. Racanelli
Superior Court, Civil Court Judge

Appendix B
Chronology of Joint Committee and
Subcommittee Meetings (Conferences Included)

1. Joint Committee - Wednesday, August 28, 1974

Present: Judge Sidney Feinberg Judge John T. Racanelli
 Judge John R. Kennedy John Pearson
 Judge J. Barton Phelps Irv Reichert

2. Conference - Friday & Saturday, October 18 & 19, 1974

<u>Present:</u> 14 Judges	10 Judges
1 Traffic Commissioner	2 Traffic Commissioners
5 Speakers	3 Speakers
4 Project Staff	4 Project Staff
7 Guests	5 Guests
<u>31 Present on 10/18/74</u>	<u>24 Present on 10/19/74</u>

3. Joint Committee - Wednesday, October 30, 1974

<u>Present:</u> Judge Robert Beresford	Judge John T. Racanelli
Judge Sidney Feinberg	Judge Lawrence F. Terry
Judge William J. Fernandez	Dina Iguchi
Judge William A. Ingram	John Pearson
Judge John R. Kennedy	Irv Reichert
Judge John S. McInerny	Marty Forst
Judge J. Barton Phelps	Marialice Foley
Judge Eugene M. Premo	Linda Jackson

4. Joint Committee - Tuesday, November 26, 1974

<u>Present:</u> Judge Robert Beresford	Sid Friedman
Judge Sidney Feinberg	Sheriff Geary
Judge William J. Fernandez	Jim Hinman
Judge William A. Ingram	Dina Iguchi
Judge John R. Kennedy	John Pearson
Judge John S. McInerny	Irv Reichert
Judge J. Barton Phelps	Marty Forst
Judge Lawrence F. Terry	April Lewis
Kevin Ford	Linda Jackson

5. Joint Committee - Wednesday, January 8, 1975

Present: Judge Robert Beresford Judge Mark E. Thomas, Jr.
Judge William F. Brown, Jr. Judge George W. Bonney
Judge Sidney Feinberg Chuck DeWitt
Judge William J. Fernandez Kevin Ford
Judge William A. Ingram John Pearson
Judge J. Barton Phelps Irv Reichert
Judge Eugene M. Premo Marty Forst
Judge John T. Racanelli Marialice Foley
Judge Lawrence F. Terry April Lewis
Linda Jackson

6. Subcommittee* - Wednesday, January 15, 1975

Present: Judge James Duvaras, Jr. Judge Mark E. Thomas, Jr.
Judge William J. Fernandez Irv Reichert
Judge Sidney Feinberg Marty Forst
Judge William A. Ingram Linda Jackson
Judge Lawrence F. Terry

7. Joint Committee - Wednesday, January 22, 1975

Present: Judge Robert Beresford Gerry Gruwell
Judge William F. Brown, Jr. Jack Loveless
Judge Sidney Feinberg Kent Lowell
Judge William J. Fernandez John Pearson
Judge J. Barton Phelps Jim Tate
Judge Edgar P. Taylor Lysle Smith
Judge Lawrence F. Terry Irv Reichert
Judge Mark E. Thomas, Jr. Marty Forst
Judge Mariam E. Wolff Marialice Foley
Kevin Ford April Lewis
Linda Jackson

* Subcommittee formed to review the Court Service Staff Proposal to Implement the Statement of Principles and Responsibilities.

8. Subcommittee - Tuesday, February 4, 1975

Present: Judge James Duvaras, Jr. Irv Reichert
Judge Sidney Feinberg Marialice Foley
Judge William J. Fernandez Kevin Ford

9. Joint Committee - Tuesday, February 11, 1975

Present: Judge Robert Beresford Kevin Ford
Judge William F. Brown, Jr. John Pearson
Judge Sidney Feinberg Irv Reichert
Judge William J. Fernandez Marty Forst
Judge William A. Ingram Marialice Foley
Judge Mark E. Thomas, Jr. April Lewis

10. Joint Committee - Thursday, March 13, 1975

Present: Judge Robert Beresford Judge Bruce F. Allen
Judge James Duvaras Irv Reichert
Judge William J. Fernandez Marty Forst
Judge J. Barton Phelps Linda Jackson
Judge Mark E. Thomas

11. Joint Committee - Wednesday, March 19, 1975

Present: Judge Robert Beresford Judge Lawrence F. Terry
Judge William F. Brown, Jr. Judge Mark E. Thomas, Jr.
Judge Sidney Feinberg Irv Reichert
Judge William J. Fernandez Marty Forst
Judge William A. Ingram Marialice Foley
Judge J. Barton Phelps Linda Jackson
Judge Eugene M. Premo

12. Joint Committee - Thursday, April 24, 1975

Present: Judge Sidney Feinberg Dina Iguchi
Judge William A. Ingram Irv Reichert
Judge J. Barton Phelps Marty Forst
Judge Lawrence F. Terry Linda Jackson
Judge Mark E. Thomas, Jr.

13. Sentencing Conference - Saturday, May 17, 1975

Present: 13 Judges
2 Traffic Commissioners
16 Speakers
4 Project Staff
7 Guests
42

14. Joint Committee - Tuesday, May 27, 1975

Present: Judge Robert Beresford Chuck DeWitt
Judge William F. Brown, Jr. Dina Iguchi
Judge James Duvaras John Kazubowski
Judge William A. Ingram Irv Reichert
Judge J. Barton Phelps Marty Forst
Judge Lawrence F. Terry Marialice Foley
Linda Jackson

15. Joint Committee - Wednesday, June 25, 1975

Present: Judge Robert Beresford Judge John T. Racanelli
Judge Sidney Feinberg John Kazubowski
Judge William J. Fernandez Kevin Ford
Judge William A. Ingram Irv Reichert
Judge J. Barton Phelps Marty Forst
Judge Eugene M. Premo Marialice Foley
Judge Lawrence F. Terry Linda Jackson

Appendix C
Evaluation Criteria

The following criteria were used in evaluating the impact of the Program within the Municipal and Superior Courts of Santa Clara County.

Judicial Pilot Program -- Evaluation Criteris (for the Courts)

1. The Program strengthens and improves the criminal justice system in Santa Clara County:
 - a. Gives judges substantial assistance in developing, adopting and carrying out those means by which they may better and more certainly perform their proper activities and fulfill their public responsibilities in the performance of those duties which are devoted to the administration of criminal justice.
 - b. Judges better and more certainly perform their proper activities and fulfill their public responsibilities in performing those duties devoted to the administration of criminal justice.
 - c. Develops and implements an original process of systematic inquiry and action designed to:
 1. Enable all judges to analyze and compare goals and standards of the judicial system.
 2. Enable all judges individually to formulate goals, standards and recommendations.
 3. Enable all judges to adopt goals, standards and recommendations appropriate to the judiciary as a whole.
 4. Enable all judges to determine the proper methods for implementing goals, standards and recommendations selected for the judiciary as a whole.
 5. Enable all judges to compare the various alternatives whereby goals may be met and standards upheld.
 6. Enrich each judge's judicial life by learning and experience.
 7. Give judges the tools with which they may evaluate the general worth, utility and benefits of goals, standards and recommendations for Santa Clara County.

2. This Program is a model, in that it incorporates an original process that has been tested and demonstrated, of systematic inquiry into goals, standards and recommendations for the Santa Clara County judicial system.
3. The Program formulates written goals, standards and recommendations which will assist the judiciary to define and understand its role in the criminal justice system in Santa Clara County.
 - a. Judges determine and define their role(s) outside the courtroom.
 - b. Under the direction of a judges' committee, the Program develops and implements a program to:
 1. Make more information available to the judges regarding local, state and national programs, trends and issues in criminal justice, including goals and standards; and to evaluate the impact and relevance of these programs and trends, as they relate to the local judiciary.
 2. Define new programs in the Courts and assist interested Judges in modeling, and implementing these programs under the aegis of the committee.
 3. Propose methods for providing the judiciary with the capabilities for on-going research, planning and concerted action.
4. This Program improves the operation and/or administration of the criminal and juvenile functions of the Municipal and Superior Courts of Santa Clara County.
5. The judges of the Municipal and Superior Courts of Santa Clara County understand the goals and objectives of this program.
6. The Municipal and Superior Courts participate as equal partners in the conduct of the Pilot Judicial Program.
7. This program produced results which were not planned, but which enhanced or will enhance the role of the judiciary in the criminal justice system.
8. This program effects beneficial changes in the County's judicial system -- immediate, intermediate term, and long-term.

Judicial Pilot Program -- Evaluation Criteria (for the Criminal Justice System)

1. The program formulates written goals, standards and recommendations which will assist the judiciary to define and understand its role in the criminal justice system in Santa Clara County, in that it develops and implements a program to:
 - a. Strengthen existing, and establish new, methods of communication, coordination and concerted action among the various members of the judiciary, and between the judiciary as a whole and the other criminal justice agencies and public and private organizations which may be involved.
 - b. Aid judges to better understand the extent and limits of their judicial responsibility in the criminal justice system.
2. The activities of this project positively (rather than negatively) interrelate with those of other on-going criminal justice projects in Santa Clara County.
3. Attitudes of non-judicial agencies and personnel regarding, and their working relationships with, the judiciary improve as a result of this project.
4. This program produces beneficial side effects within the County's criminal justice system -- immediate, intermediate and long-term.

Judicial Pilot Program -- Evaluation Criteria (administrative and contract compliance)

1. The project approach as outlined in the grant award (pp. 9.11 to 9.23 is followed.
2. Proper, timely and informative interim or progress reports and a final report are made to LEAA and OCJP.
3. Project staff perform their duties in accordance with judges' expectations and desires within the framework of the project plan.
4. A comprehensive implementation plan is prepared and adopted.
5. This project produces a framework within which its work can continue.
6. Results of the project are clearly documented.
7. Conclusions and recommendations that may evolve from this project are clearly documented.
8. Methods used in this Program are documented and may be studied for purposes of transfer to other jurisdictions.
9. Financial resources are used according to project plan.
10. Personnel resources are used according to project plan.
11. Consultant services are used according to project plan.

Appendix D
 Tabulation of Interview Responses

The following questions were asked of all respondents.

	<u>Number of Responses</u>		
	<u>Yes</u>	<u>No</u>	<u>Cannot Answer</u>
1. Was the criminal justice system in Santa Clara County strengthened and improved as a result of this project?	23	2	3
2. Did this project give judges substantial assistance in developing, adopting and carrying out those means by which they may better and more certainly perform their proper activities and fulfill their public responsibilities in the performance of those duties which are devoted to the administration of criminal justice?	20	3	5
3. As a result of the project, have judges better and more certainly performed their proper activities and fulfilled their public responsibilities in performing those duties devoted to the administration of criminal justice?	10	5	13
4. Did this project develop and implement an original process of systematic inquiry and action designed to enable all judges to analyze and compare goals and standards of the judicial system:	15	4	9
5. Did this project develop and implement an original process of systematic inquiry and action designed to enable all judges individually to formulate goals, standards and recommendations?	17	2	9

	<u>Number of Responses</u>		
	<u>Yes</u>	<u>No</u>	<u>Cannot Answer</u>
6. Did this project develop and implement an original process of systematic inquiry and action designed to enable all judges to adopt goals, standards and recommendations appropriate to the judiciary as a whole?	21	2	5
7. Did this project develop and implement an original process of systematic inquiry and action designed to enable all judges to determine the proper methods for implementing goals, standards and recommendations selected for the judiciary as a whole?	18	3	7
8. Did this project develop and implement an original process of systematic inquiry and action designed to enable all judges to compare the various alternatives whereby goals may be met and standards upheld.	17	1	10
9. Did this project develop and implement an original process of systematic inquiry and action designed to enable each judge to enrich his judicial life by learning and experience?	17	2	9
10. Did this project develop and implement an original process of systematic inquiry and action designed to give judges the tools with which they may evaluate the general worth, utility and benefits of goals, standards and recommendations for Santa Clara County?	17	2	9

	<u>Number of Responses</u>		
	<u>Yes</u>	<u>No</u>	<u>Cannot Answer</u>
11. Was this project a model, in that it incorporated an original process that was tested and demonstrated, of systematic inquiry into goals, standards and recommendation for the Santa Clara County judicial system?	21	3	4
12. Did this project formulate written goals, standards and recommendations which will assist the judiciary to define and understand its role in the criminal justice system in Santa Clara County?	24	2	2
13. As a result of this project, have judges determined and defined their role(s) outside the courtrooms?	16	3	9
14. Was the judges' committee effective in directing the development and implementation of this program?	17	3	7
15. Did this project strengthen existing, and establish new, methods of communication, coordination and concerted action among the various members of the judiciary?	23	1	4
16. Did this project strengthen existing, and establish new, methods of communication, coordination and concerted action between the judiciary as a whole and the other criminal justice agencies?	20	3	5
17. Did this project strengthen existing, and establish new, methods of communication, coordination and concerted action between the judiciary and public and private organizations which may be involved?	13	5	10

	<u>Number of Responses</u>		
	<u>Yes</u>	<u>No</u>	<u>Cannot Answer</u>
18. As a result of this project, were new programs defined in the Courts and were interested judges assisted in modeling, and implementing these programs under the aegis of the Committee?	14	7	8
19. Is there any evidence this project improved the operation and/or administration of the criminal and/or juvenile functions of the Municipal and Superior Courts of Santa Clara County?	15	6	7
20. Did the activities of this project positively (rather than negatively) interrelate with those of other on-going criminal justice projects in Santa Clara County?	20	2	6
21. As a result of this project, did the attitudes of non-judicial agencies and personnel regarding, and their working relationships with, the judiciary improve?	16	0	12
22. Have the Municipal and Superior Courts participated as equal partners in the conduct of the Pilot Judicial Program?	19	3	6
23. Were the results of this project clearly documented?	18	3	7
24. Have conclusions and recommendations evolved from this project?	23	0	5
25. Are they clearly documented?	20	1	7
26. Did this project produce results which were not planned, but which enhanced or will enhance the role of the judiciary in the criminal justice system?	13	2	13

	<u>Number of Responses</u>				
	<u>Yes</u>	<u>No</u>	<u>Cannot Answer</u>		
27. Will this project effect beneficial changes in the County's judicial system - immediate, intermediate term, and long-term?	20	3	4		
28. Will this project have beneficial side effects within the County's criminal justice system - immediate, intermediate, and long-range?	21	2	2		
29. Has a comprehensive implementation plan been prepared and adopted?	13	5	9		
30. Should this project be continued in a second phase?	24	1	1		
a. Under a federal grant? or	19	2	2		
b. Completely funded by the County?	6	4	3		
31. On a scale of 1 to 5 (low to high) how would you rate this project in terms of the impact it had on the Municipal and Superior Courts of Santa Clara County? (circle) 1 2 3 4 5	(1) 2	(2) 2	(3) 6	(4) 6	(5) 4
32. On a scale of 1 to 5 (low to high) how would you rate this project in terms of the impact it had on the criminal justice system (courts and other criminal justice agencies) in Santa Clara County? (circle) 1 2 3 4 5	(1) 2	(2) 6	(3) 7	(4) 5	(5) 1

The following question was asked only of non-court respondents.

	<u>Number of Responses</u>		
	<u>Yes</u>	<u>No</u>	<u>Cannot Answer</u>
1. As a result of this project, did the attitudes of non-judicial agencies and personnel regarding, and their working relationship with, the judiciary improve?	8	0	5

The following questions were asked only of court-affiliated respondents.

	<u>Number of Responses</u>		
	<u>Yes</u>	<u>No</u>	<u>Cannot Answer</u>
1. Have methods used in this project been documented? Can they be studied for purposes of transfer to other jurisdictions?	11	1	3
2. Did this project make more information available to the judges regarding local, state and national programs, trends and issues in criminal justice, including goals and standards?	10	2	3
3. Did this project help judges to evaluate the impact and relevance of these other programs and trends, as they relate to the local judiciary?	8	1	6
4. Did this project propose methods for providing the judiciary with capabilities for on-going research, planning and concerted action?	11	2	2
5. Based on this project, do judges better understand the extent and limits of their judicial responsibility in the criminal justice system?	9	2	3
6. Did the judges of the Municipal and Superior Courts of Santa Clara County understand the goals and objectives of this project?	11	2	2
7. Did this project produce a framework within which its work can be continued?	14	1	0

	<u>Number of Responses</u>		
	<u>Yes</u>	<u>No</u>	<u>Cannot Answer</u>
8. Under the proposed implementation the Clerk and Executive Officer of the Superior Court, John Kazubowski, would direct the project under a committee of Municipal and Superior Court Judges. Is this the best organizational arrangement for implementing the Pilot Judicial Program?	8	4	2
9. What problems were encountered in conducting this project? Could they have been avoided?	-	-	-
10. Did project staff perform their duties in accordance with judges' expectations and desires within the framework of the project plan?	9	1	1

Appendix E

List of Interviewees for the Evaluation*

* The original list of possible interviews was prepared by the Project Director, Pilot Judicial Program. All interviewees were selected for the interviewers at random.

Court Affiliated

Hon. Bruce F. Allen***
Superior Court Judge - Presiding Judge

Hon. George W. Bonney*
Municipal Court Judge

Hon. William F. Brown, Jr.**
Municipal Court Judge

Hon. James Duvaras, Jr.*
Superior Court Presiding Judge - Criminal Division

Hon. Sidney Feinberg*
Municipal Court Judge

John Kazubowski***
Court Clerk/Executive Officer, Superior Court

Hon. J. Barton Phelps**
Superior Court Judge - Criminal

Hon. Eugene M. Premo*
Superior Court Judge - Criminal

J. J. Speciale**
Clerk, Municipal Court

Hon. Paul R. Teilh***
Municipal Court Judge

Hon. Mark E. Thomas, Jr.**
Municipal Court Judge

Hon. Homer B. Thompson*
Superior Court Judge - Civil

Hon. James A. Wright***
Municipal Court Judge

*Interviewed by Clifford S. Lightfoot.

**Interviewed by Alexander B. Aikman.

***Interviewed by Larry L. Sipes.

Non-Court Affiliated

Lou Bergna*
District Attorney, Santa Clara County

Nordin Blacker*
Attorney and Chairman of the
Corrections and Criminal Justice Section
of the County Bar Association

Richard Bothman*
Chief Juvenile Probation Officer, Santa Clara County

Robert Cushman**
Director, Santa Clara County Pilot Program

Kevin J. Ford**
Regional Criminal Justice Planning Board
Santa Clara County

James Geary*
Sheriff, Santa Clara County

Ms. Dale Hill*
Charter Review Commission and Grand Jury

Ms. Dina Iguchi***
County Executive's Office, Santa Clara County

John Kaplan, Professor*
Stanford University Law School

Ms. Betty Moore*
Director, Voluntary Action Center

Ron Obert, Director**
Office of Pretrial Release Services

Sheldon Portman**
Public Defender, Santa Clara County

Irving F. Reichert, Project Director*
Judicial Pilot Program

Ms. Lillian Silberstein*
National Conference of Christians and Jews

*Interviewed by Clifford S. Lightfoot.

**Interviewed by Alexander B. Aikman.

***Interviewed by Larry L. Sipes.

Non-Court Affiliated

Cy Shain**
Administrative Office of the Courts

Lysle D. Smith**
Chief Adult Probation Officer, Santa Clara County

Robert Smith**
California Youth Authority

*Interviewed by Clifford S. Lightfoot.

**Interviewed by Alexander B. Aikman.

***Interviewed by Larry L. Sipes.

END