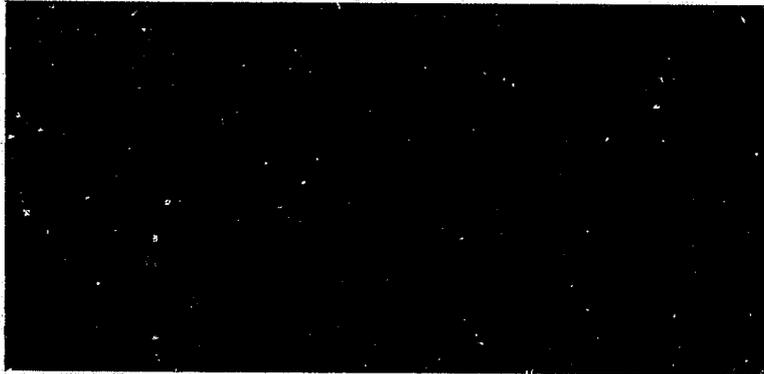
  


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Criminal Courts Technical Assistance Project  
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Washington, D.C.

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RECOMMENDATIONS FOR IMPLEMENTING  
A RESULTS ORIENTED PLANNING (ROP)  
APPROACH TO ADJUDICATORY PROGRAM  
DEVELOPMENT IN CONNECTICUT

October 1976

NCJRS

MAR 8 1977

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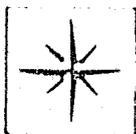
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# THE AMERICAN UNIVERSITY

Washington College of Law  
INSTITUTE FOR ADVANCED STUDIES IN JUSTICE

## NOTICE TO THE READER

Because of a September 30, 1976 contract deadline for completion of all technical assistance assignments conducted under the auspices of The American University Criminal Courts Technical Assistance Project, assignment reports received after September 1, 1976 have not undergone the comprehensive review which is our usual procedure. The present report is one of those for which our time constraints permitted only minimal editing. We apologize for any inconvenience this may cause the reader.

Joseph A. Trotter, Jr.  
Director  
Criminal Courts Technical Assistance Project

## FORIWORD

In July 1976, the Connecticut Justice Commission (SPA) requested LEAA's Criminal Courts Technical Assistance Project at The American University to provide the services of Maurice Geiger, former LEAA Region I court specialist, for the purpose of assessing the feasibility of implementing a Results Oriented Planning (ROP) approach to the development of the 1977 Comprehensive Plan. The concept of ROP had been explored at some length at the National Workshop for Court Specialists held in Cleveland in March and was rated as extremely valuable to the planning process by the attendees. In requesting this assistance, Ms. Mary Hennessey, Executive Director of the Commission, expressed particular need to develop a mechanism for formulating quantifiable results against which the state's various adjudicatory programs could be planned and the operational impact of the recently enacted court merger bill could be addressed.

Mr. Geiger worked on site with SPA officials for four days during the period of July through September, during which time he met with local and regional officials with a view to ascertaining the feasibility of initiating and implementing a ROP approach within the constraints of existing state and LEAA regulations. This report briefly describes the concept underlying ROP, the feasibility of implementing ROP in Connecticut's adjudicatory planning process and the procedures for implementing this planning model.

## 1. INTRODUCTION

### A. Purpose

The purpose of this report is to describe how a results oriented planning approach could be effectively implemented in the adjudication program area in Connecticut. In keeping with the notion of results oriented planning the report will focus on obtaining the practical result or outcome desired. Since the report might also serve as a procedural guide to implementing such a planning method, it is presented in a format designed to teach users rather than to brief management.

### B. What Is Results Oriented Planning

Before beginning to describe the results oriented method of planning, it will be helpful to understand the concept of results oriented planning. Perhaps the best way to explain results oriented planning (ROP) is to compare it to traditional planning... Traditional planning begins by stating "The Problem" (e.g., page 7 of the CJS 1975 grant application form). Once the problem has been stated, the traditional planning method begins to focus on a strategy to solve "The Problem" and from the strategy selected moves on to budgetary considerations. The budget is really the budget to execute the strategy selected. Thus, the budget locks the manager onto a particular strategy, and the measurements of success or failure become how well was the strategy executed rather than how well the "problem" was solved. And that is only part of the trouble with the traditional approach. The other thing wrong is that it begins with a statement of "The Problem." This is wrong because it is logically impossible to have a "problem" outside of some goal or desired outcome. If one begins to develop a strategy to meet a "problem" before determining the desired outcome, it is quite possible that the "problem" can be solved and yet the desired outcome is not achieved. For example, let's suppose that the "problem" as stated in a traditional approach is

that: there are not enough judges to hear cases in the trial courts. Therefore, the strategy selected would most likely center on how to get more judges, whereas if one began with a statement of desired outcome such as "being able to properly and swiftly dispose of all cases," the strategy might well focus on keeping inappropriate cases out of the courts. Thus it can be seen that a planning process which begins with a statement of the problem can lead to the wrong strategy.

Since the distinction between ROP and traditional planning is extremely important in this effort, it warrants a brief review.

The traditional method begins with a statement of problem, then selects a strategy to solve the problem and budget the strategy. Often the pressures of accounting cause managers to lock onto the strategy. Whereas Results Oriented Planning begins with a statement of desired outcome (which flows from some ultimate purpose) and strategies are selected which will help achieve outcomes and when the strategy selected fails to get the desired results, then the strategy is changed.

With a basic understanding of ROP and how it differs from traditional planning, it will be helpful to elaborate on ROP in terms of what it is and how it works.

NOTE: All of our lives we have been told "if at first you don't succeed, try, try again." Although it may be irreverent to disagree with such homey advice, ROP would require that if a strategy does not succeed (it does not get us the results we want), we should abandon the strategy and try some other way. The ROP method is to begin with the inclusive goal or purpose, such as "to achieve Justice". From this purpose the planner asks what would be taking place if this purpose were being met. The answer to such a question is compared to what is now taking place in the system. To do this comparison one needs to know

what is now taking place. Thus, early in the planning process ROP requires a statement of what is now taking place...what is happening in the present situation. Attempt to meet this requirement often results in the admission that there is little or no information available as to what is presently happening.

The key to effective planning is not strategy selection. It is being able to see what is happening and what is not happening. Once the difference between what is happening and what should be happening is determined, then the planner should set out what would be taking place if there were movement toward the desired outcomes. From this, strategies can be developed and selected. As the strategy is executed, there must be feedback information as to outcome -- is there movement toward or away from what is wanted to be happening? If there is movement away, then change strategies. Keep focusing on outcome!

It sounds simple -- in theory it is simple. In practice it is difficult because of two reasons: (1) the extensive conditioning that all planners have had in the traditional approach; and (2) the lack of information, especially about what is now taking place and the difficulty in seeing what is not taking place.

## II. SUMMARY OF TECHNICAL ASSISTANCE PROVIDED

### A. Project Approach

The approach used in this project was very direct. There was no need to collect and analyze data or to research any subject. The assignment was to determine if ROP was feasible, and if so, to recommend how to do it effectively in Connecticut. Therefore, the primary approach was to interview and consult. The interviewing was with persons in LEAA, the Connecticut SPA and two potential applicants. These interviews resulted in the conclusion that ROP was feasible and the task then became how to implement ROP in some practical way.

### B. Considerations

There were four factors to be considered in resolving the problem presented in the assignment.

1. First was LEAA regulations. What is allowable under LEAA financial guidelines?

2. Secondly, what were Connecticut regulations and procedural constraints... what would the Connecticut fiscal people allow? What would the Connecticut application and grant processing procedures tolerate?

3. Third, what was the degree of difficulty in implementing a new concept amid the rigid structure of governmental grant processing.

4. Fourth, what technical assistance resources are available within the time and money provided?

All of these considerations worked to shape the recommendations and implementation strategy selected.

### C. Recommendations

The question of feasibility was not difficult to determine. Therefore, the recommendations center on how to achieve a practical implementation. The following recommendations are made:

1. Select a small number of potential applicants and negotiate an agreement with them regarding the ROP approach. (Probably the court administrator and the public defender would be the two best people, and two would be enough.)

2. Give these applicants the option to use ROP or the traditional approach. The ROP approach could be used in a project by an applicant, yet they could use the traditional method in other projects.

NOTE: The rationale for Recommendations 1 and 2 is that the practical way to implement ROP in an environment like an LEAA program is to start with a small number of applicants and let them "sell" the concept by performance. If the ROP approach is successful, it should be expanded in future years to include programs across the board in Connecticut.

3. There should be a memorandum of agreement between the State Planning Agency and an applicant as to the terms of the optional application approach. The LEAA Regional Office could be a party to such an agreement.

4. Do not use a different application format during the first year, but rather simply use an attachment to the regular application used by the state.

NOTE: Considerable time and effort was spent attempting to develop the revised application form suitable for ROP. However, it was finally concluded that it would be a tactical error to use a different form. The benefit of the revised form is that the form itself would force the applicant to do a results oriented approach. The disadvantage of a new form is that a lot of people would have to adjust to the new form (i.e., the state clearinghouses). Since the recommendation is to use only a few applicants, the advantages of the new form were outweighed by the problem created by introducing a different form.

#### D. Implementation Steps

NOTE: The LEAA Regional Office was approached and both the State Representative and the Financial Management Division were briefed on the proposed change in Connecticut. Their approval was obtained and the LEAA Regional Office in

Boston will send the Connecticut Justice Commission a letter stating such approval.

1. The first step was to get Results Oriented Planning into the Comprehensive Plan. Thus, this subject was discussed with the SPA Courts Planner in July and steps were taken which resulted in language in the 1977 Comprehensive Plan which will accommodate ROP in programs 77:1.1.18 (Improvement of Administrative, Managerial and Planning Capacities of Justice Agencies) under special requirements (see No. 6), and in 77:1.1.19 (Model Public Defense Systems) under special requirements (see No. 4). These two slight changes to the Comprehensive Plan accommodate ROP. The special requirement cited in both of the above programs is: "The applicant should determine a number of possible strategies to address the difference between the present situation and the desired result. Selection of the strategy to be employed will be left to the applicant; however, alternate strategies should be included in the application."

2. The second step involved a revised application. As stated earlier, initially a new and separate form was considered. However, all that is required under the recommended approach is an attachment to the normal application. This attachment will present the ROP approach to the project; a suggested format is attached to this report.

3. The third step was to explain the ROP approach to the potential applicants and to obtain their cooperation in using such a planning method.

4. The final and unfinished steps will be to provide follow-up Technical Assistance to answer questions during the year as an application is developed. This might be done over the telephone at no cost to the client since the questions will probably be short and specific.

NOTE: Although these activities are described as steps, they were not necessarily taken in sequence nor was one completed before going on to the next. Rather they were quite dynamic and evolved.

### III. PROPOSED ATTACHMENT TO THE APPLICATION

The purpose of the attachment is to allow the applicant to effect an easy conversion of the Connecticut Justice Commission standard application to a results oriented planning type application. The attachment is structured in a way to facilitate its use as a planning document rather than simple a financial statement.

The memo of agreement between the CJC and the potential applicant should remove the requirement to submit (1) a statement of problem, (2) methods and procedures, and (3) goals and objectives. In place of those sections of the application, the applicant should submit:

1. A statement of the inclusive purpose of the agency applying and the outcome or result desired for the specific project.
2. A list of what would be taking place if the outcome or result desired were obtained (there should be key indicators).
3. A list of what is now taking place and a list of what should be known but can't be determined.
4. A description of a strategy to achieve the desired outcomes, and what will provide indicators that the strategy is achieving the desired results.
5. A description of the project information system needed to continually monitor movement forward or away from desired results.

NOTE: The memo of agreement should also indicate that if an applicant is to use the ROP approach the application should have a high degree of flexibility in the budget, thus helping to avoid becoming locked to a strategy.

So that this attachment is more fully understood, the following example is presented.

Example

Case: The applicant is the court administrator.

1. Inclusive goal and desired outcome.

The inclusive goal is to provide efficient, fair and rapid disposition of cases. The specific desired goal is to have an efficient jury system.

The value of setting out the inclusive goal is that it helps challenge the worth or need for the desired outcome.

2. The second section of the attachment would list those things which would be taking place if the desired outcome or results were being achieved.

In this example:

- (1) fewer jurors seeking excuses;
- (2) fewer jurors being unused;
- (3) fewer cases waiting for jurors.

Note that any of these indicators taken alone might be challenged as a valid indicator. However, knowledgeable selection of indicators will generally result in an overall reliable indication of movement toward the desired outcome.

3. In this example, under section 3, the applicant would list such things as:

- (a) few jurors called and not used;
- (b) cases not waiting for lack of jurors;
- (c) a high percentage of jurors seeking excuses from serving.

In addition are things needed to be known but not known, for example, suppose the number of jurors never used is unknown. This should be listed here. It is not possible to develop intelligent strategies unless these critical indicators are adequately defined and sufficient information is available. This may mean that strategy development and the entire project must wait for proper information to be obtained.

4. The strategy selected might be to install a computer based jury utilization system. The desired outcomes would be the one stated in section 1 of the

attachment and the indicators of success would flow from the indicators described in section 2 of the attachment.

5. The information system designed might be manual or computerized. It might be very simple or complex. The essential characteristic of the information system used must continuously provide the project managers with feedback on how the project is doing in terms of what is happening to key indicators.

**END**