

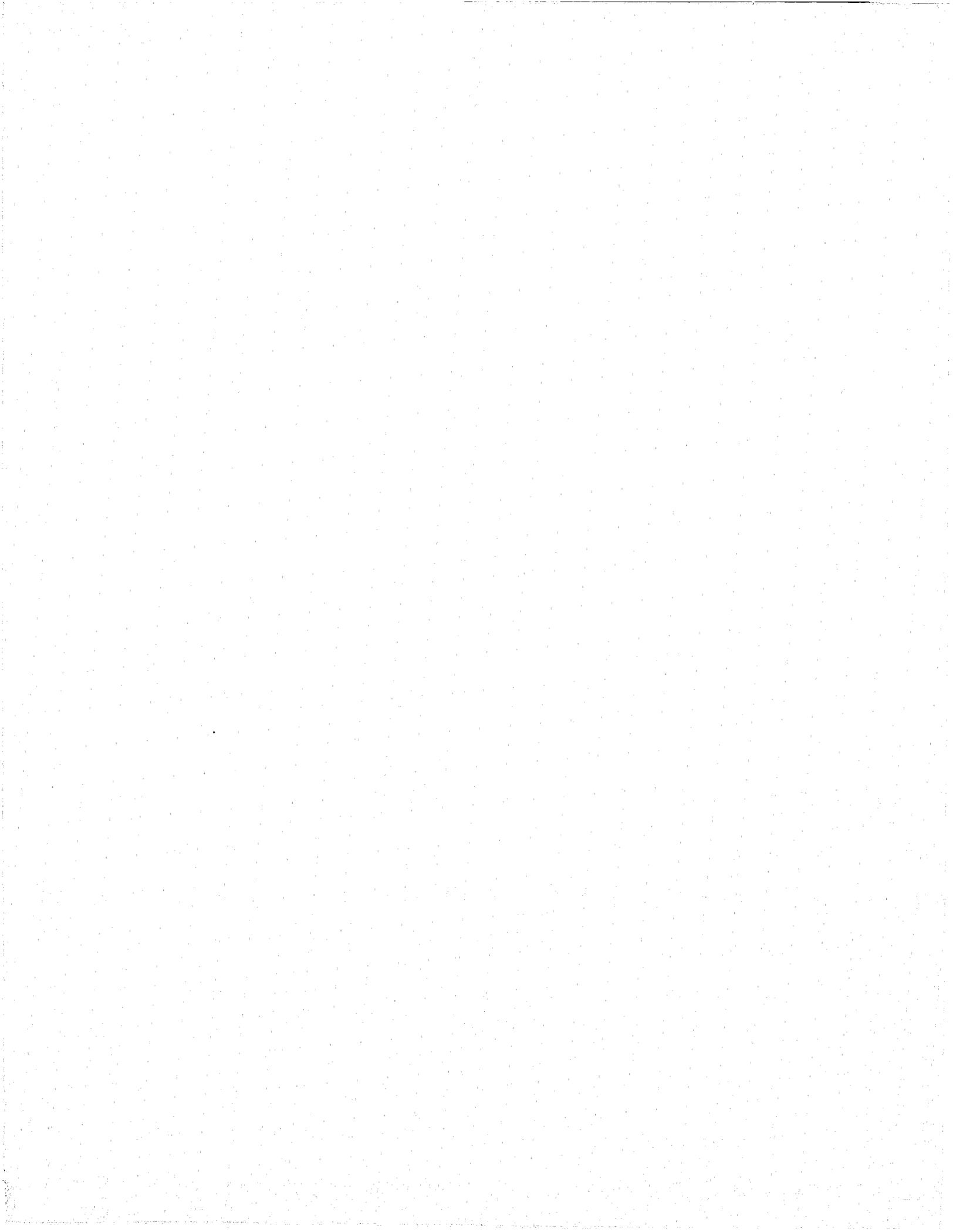
# **Improving the Criminal Processing of Misdemeanants**

**The Improved  
Lower Court Case Handling Program:  
Kalamazoo (Kalamazoo County), Michigan**

**National Evaluation:  
Final Report**

**A Report of The METREK Division of The MITRE Corporation**

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National Evaluation:  
Final Report

NCJRS

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## ABSTRACT

This document presents the national evaluation of the Improved Lower Court Case Handling Program in Kalamazoo County, Michigan. The program was an LEAA effort to provide resources to four sites for the operation of eight components designed to improve the case processing of misdemeanants. The process of program development is described; the development, operations, use, and effects of each component are assessed; and a summary of program results are provided.

## ACKNOWLEDGEMENTS

The authors gratefully acknowledge the cooperation of James Stone (the Mass Case Coordinator) and of the Kalamazoo County Prosecutor's Office during the conduct of the evaluation. Additionally, the contribution of other members of the MITRE evaluation team--Laura Otten and Gerrie Kupersmith--were of significant value throughout the evaluation effort.

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## EXECUTIVE SUMMARY

Kalamazoo (Kalamazoo County), Michigan, was one of four sites selected to demonstrate the LEAA's Improved Lower Court Case Handling (ILCCH) program. The program was designed to improve the processing of misdemeanor offenders through the implementation and operation of eight program components. Together these components offered alternative, less drastic methods for handling misdemeanants (police citation, court summons, pretrial release, and select offender probation); information-gathering mechanisms to improve decision-making regarding misdemeanor cases (case screening, PROMIS, short form presentence investigation reports); and a coordinating position, the Mass Case Coordinator (MCC), designed to foster cooperation amongst the components and across criminal justice agencies so that case flow might be better managed.

The Kalamazoo ILCCH program was unique in that it maintained an active coordinating council composed of representatives from criminal justice agencies throughout the county. The council was responsible for overall program policy and supervision; its working subcommittees were delegated responsibility for individual component development; and the MCC was responsible for day-to-day management of the program and coordination amongst components and agencies. Although specific component plans varied, the program was perceived as an opportunity to unify case processing procedures across the various jurisdictions of the county. Kalamazoo's experience with each component is detailed below.

- Police Citation. As part of ILCCH, a uniform citation form was developed and adopted by all police agencies in Kalamazoo county. The Kalamazoo Police Department (KPD), which had not previously used citations, issued about 16 citations per month. Although citations were issued by the KPD in over half of the eligible instances, the small number of citations reflects the fact that this population of eligible instances was limited by the requirement that a police officer witness the criminal event and by the exclusion of certain common misdemeanors from citation eligibility.
- Court Summons. Although attempts were made by the MCC and Coordinating Council to implement court summons for use in handling criminal complaints, these efforts failed. This failure reflected a lack of need and enthusiasm on the part of involved agencies. Prior to ILCCH, informal procedures (serving the same functions as summons) were used which permitted defendants to appear in court voluntarily.

- Pretrial Release. A misdemeanor pretrial release program was developed to extend interview/recommendation services, already available to felons, to misdemeanants. Although 449 defendants were interviewed and recommendations were made, only one of three courts made use of pretrial services and judges were not particularly influenced by pretrial recommendations. This judicial indifference reflected the perceived low need for pretrial services based on the effectiveness of bond and informal release on recognizance as existing means of releasing defendants. Thus, although the program was operationally sound, no attempts were made to fund it locally.
- Case Screening. Because screening was already conducted by all prosecutorial agencies in the county, the screening subcommittee of the Council directed its efforts towards problems with the consistency of screening and charging practices throughout the county. As part of this effort, a common warrant request and disposition form was developed and adopted by all prosecutorial agencies. The use of this form allowed the collection of common data on warrant authorizations and denials, and also allowed the transfer of certain city cases to the county for deferred prosecution. Because evidence from the new warrant form suggested there were problems with police charging, a police charging manual was developed which should bring greater accuracy and consistency to this process.
- PROMIS. The County Prosecutor's Office decided to implement a semi-automated information system with many of the features of the PROMIS model and with a word-processing capability. Although the new system is still not operational (as of July, 1977) because of the lengthy processes of debugging and case entry, a number of benefits have already been realized from PROMIS development and implementation. New forms have been developed; information flow between the courts and the County Prosecutor and between the City and County Prosecutor have been improved; and significant improvements have been made in witness notification and management procedures.
- Short Form Presentence Investigation (PSI) Reports. A county-wide short form PSI report was not adopted by probation agencies during the ILCCH grant period despite extensive efforts by the MCC. Consensus on the nature of the form was never reached although judges, the local evaluators, the Chief Probation Officer, and the MCC all played roles in the development of various model forms. Judicial indifference and the availability and current use of an existing "semi-short" form rendered a new PSI report form a low priority.

- Select Offender Probation. The select offender probation component operated as an adjunct to the existing probation agency in Kalamazoo; it served 33 clients, selected as "high-risk" misdemeanants according to a set of formal criteria. The component offered intensive counseling in order to develop the working and living skills of clients. Results suggested that the project was successful in reducing client recidivism. These results, along with the component's acceptance by the probation agency and judges as an alternative to regular probation, have led to the local refunding of the project.

For Kalamazoo, the cooperative work represented in the activities of the Coordinating Council and the MCC superseded the mixed achievements of the individual components. Police citation, case screening, and PROMIS have all brought about improvements in misdemeanor processing and select offender probation has provided judges with a useful sentencing option. It was the Council, though, that brought increased visibility to misdemeanor processing; that conducted special analyses of this processing, resulting in ILCCH-related and other improvements in misdemeanor handling; and that demonstrated, in accord with the intentions of the ILCCH program, that an inter-agency approach to criminal justice problems can result in coordinated solutions to system problems.

## 1.0 INTRODUCTION

### 1.1 The Improved Lower Court Case Handling Program

The Improved Lower Court Case Handling Program (ILCCH) evolved from the efforts of LEAA's Office of Technology Transfer (OTT), to develop a demonstration program addressing the lower courts. Seven components of the program were selected from a previously compiled manual describing innovative and tested projects in the misdemeanor area. Taken together, these components affect the entire misdemeanor case handling process, from time of arrest to final disposition. The seven components are:

- police citation
- court summons
- PROMIS
- prosecutor case screening
- pretrial release
- short form presentence reports
- select offender probation

To insure the implementation and operation of a lower courts program, rather than a series of discrete practices and procedures, an eighth program component--the Mass Case Coordinator (MCC)--was developed.

Four of the program components, while directed towards different stages in the lower court process, would all serve to provide law enforcement and judicial personnel with alternative, less drastic mechanisms for handling misdemeanants. Both police citation and court summons were to provide alternatives to the somewhat costly, traditional processing of alleged misdemeanor offenders, while seeking to ensure their appearance in court. Similarly, pretrial release would offer an alternative to traditional detention and bail practices for misdemeanants arrested and awaiting trial by allowing for release on personal recognizance (ROR). Select offender probation would provide supervised probation to a select group of convicted misdemeanants in lieu of incarceration or unsupervised probation.

The other three program components were intended to encourage greater consistency and efficiency in the handling of misdemeanor cases. The prosecutor case screening component was to address inconsistencies and inefficiencies arising from unstructured charging policies and practices by developing and distributing a uniform charging manual and set of procedures. PROMIS (or some modification of the prototype Prosecutor's Management Information System), was expected to promote systematic procedures for differentiating less serious from more serious cases, thus assisting decision-making regarding the allocation of prosecutorial resources. PROMIS was additionally intended to increase capabilities for generating consistent, reliable information across agencies and jurisdictions. Finally, the short form presentence report was designed to provide succinct and consistent offender information for use by judges in making sentencing decisions.

Coordination among these seven program components, as well as with established criminal justice agencies, was to be achieved through the eighth component, the MCC. Unlike the other components (which implement specific case flow procedures in the lower courts), the MCC is a person, with responsibilities for developing and coordinating working relationships among the agencies and organizations involved in the overall program.

In early 1975, OTT turned its attention toward the selection of sites for the demonstration program. At this time, OTT decided to select a total of ten demonstration sites for two program concepts - five sites for ILCCH and five sites for Team Policing. The ten LEAA regional offices were notified of the two programs, and asked to submit site suggestions for one or the other program. Regions III, IV, V, VI, IX, and X nominated sites for participation in the ILCCH program which was scheduled to receive \$1 million in Federal funds.

Assistance in making the site selection from among the seven nominees (Region V proposed two candidates) was obtained from the Institute for Law and Social Research (INSLAW). During March 1975, INSLAW visited each site for the purpose of assessing its potential for success as an ILCCH program demonstration site. Specifically, INSLAW evaluated each site's level of interest, system capabilities, and quality of interagency relations. The decision was made to solicit grant applications from Albuquerque, New Mexico; Columbia, South Carolina; Kalamazoo, Michigan; Las Vegas, Nevada; and Wilmington, Delaware. In the end Albuquerque was not funded because their grant application did not conform to the programmatic guidelines. Thus, \$250,000 in Federal monies was available for each of the remaining four sites.

During the months of July and August, the four grants were awarded. In the ensuing months, Mass Case Coordinators were hired in each site, and efforts to tailor and adapt the component concepts to the specific needs and interests of the individual sites were begun.

#### 1.2 The National-Level Evaluation and the Purpose of This Document

In March 1976, The MITRE Corporation contracted to conduct the national-level evaluation of the ILCCH program. The evaluation was designed to address a broad range of information and knowledge needs.<sup>1</sup> To meet these needs, quantitative and qualitative data would be collected at each site in order to examine the program from three distinct perspectives:

- a. site perspective;
- b. component perspective; and
- c. program-wide perspective.

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<sup>1</sup>Eleanor Chelimsky, Gerrie Kupersmith, and Joseph Sasfy, The Improved Lower-Court Case Handling Program: Concept and Plan for the National-Level Evaluation, MTR-7352.

The first perspective is site-specific, providing the opportunity to individually summarize and evaluate the program experience in each of the four sites. The component perspective provides an inter-site examination of each of the seven components, thereby allowing an assessment of four variations on seven themes.<sup>2</sup> The program-wide perspective represents an integration of site and component assessments for the purposes of addressing assumptions underlying the ILCCH program concept, as well as transferability considerations.

This document presents the site evaluation of the ILCCH program in Kalamazoo (Kalamazoo County). Three other documents will detail the evaluations of the ILCCH program in Wilmington (New Castle County), Las Vegas (Clark County), and Columbia (Richland County), respectively. A final document will summarize the results of the national-level evaluation in terms of the component and program-wide perspectives.

This site evaluation is based on a synthesis of qualitative and quantitative information. Site visits to each locale provided the opportunity to collect information directly from personnel associated with ILCCH and with other criminal justice agencies. This information was supplemented by documentation supplied by the Mass Case Coordinators. The collection of quantitative data was the responsibility of the local evaluator in each site, although MITRE was to provide assistance and guidance regarding required data. In many cases the responsibility for specific data collection was delegated to ILCCH component personnel, criminal justice personnel, or the MCC. The final availability of data in each site was a function of the efforts of those individuals

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<sup>2</sup> Because of the nature of the Mass Case Coordinator (MCC) component, it is not assessed as an individual component. The position and role of the MCC is examined, however, as part of the site assessments.

responsible for the data, the cooperation of local system personnel, and the availability of the data itself.

This report begins with a description of the nature of misdemeanor processing in Kalamazoo County prior to the ILCCH program. Next, the development of the program is described to the point of specific component implementation. Separate sections are devoted to a description of the design, implementation, and operation of each component and an assessment of the utilization and impact of the component. The final section analyzes the MCC role in terms of the program structure that evolved and in terms of the original conception of the role, and summarizes the experience and impact of the ILCCH program in Kalamazoo. Appendix I provides an overview of the criminal justice system in Kalamazoo County.

## 2.0 PRE-ILCCH MISDEMEANANT PROCESSING

### 2.1 Arrest of Misdemeanants

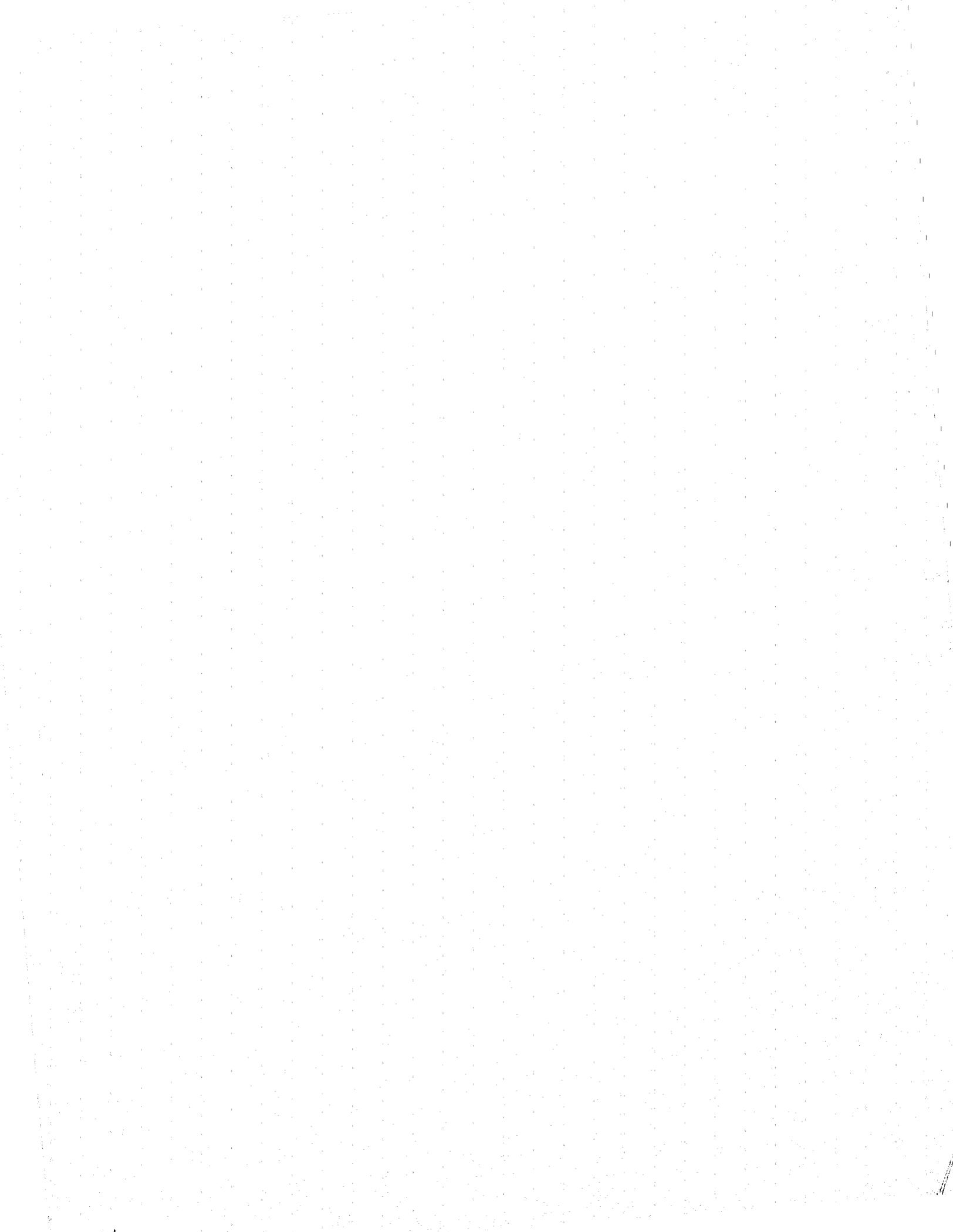
The process by which a suspected misdemeanor is typically arrested and processed through the criminal justice system in Kalamazoo County, Michigan, is shown in Figure 1. The methods employed to make misdemeanor arrests differ among the major police organizations in the county - the City of Kalamazoo Police Department (KPD), the County Sheriff's Department (KCSO), and the Portage Police Department (PPD).<sup>3</sup> For all departments, misdemeanants may be physically arrested and booked for offenses which the officer has observed.

For those offenses which are based on a citizen's complaint, the police officer must determine whether a chargeable offense has indeed been committed. If the determination is positive, the complainant is directed to the appropriate prosecutorial agency. If the offense was a local ordinance violation and occurred in an incorporated area of the county, the City Attorney (Kalamazoo or Portage) or Township Legal Advisor (Kalamazoo Township) is the proper prosecutorial agent. On the other hand, for all state statute misdemeanor offenses, regardless of place of occurrence, the County Prosecutor is responsible for charging. The prosecutor, in all cases, decides if a warrant should be authorized.<sup>4</sup> If the decision is yes, the complainant

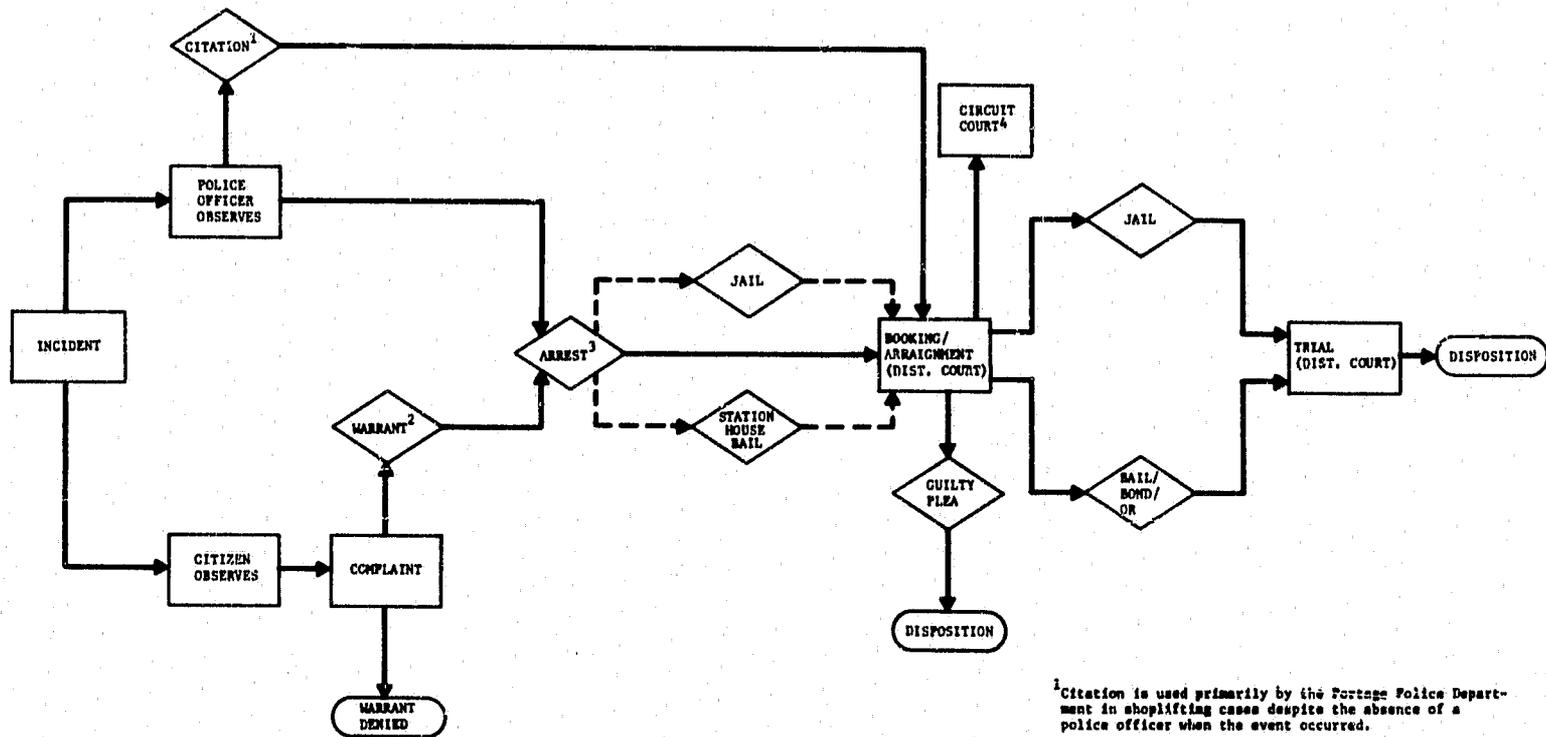
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<sup>3</sup>For further information on police agencies in Kalamazoo County, and all agencies referred to subsequently that serve a function in the County's criminal justice system, see Appendix I.

<sup>4</sup>Warrant authorization, for some commonly occurring offenses (notably drunk and disorderly), is occasionally delegated to the police department, precluding direct involvement of the prosecutor in the decision to charge.



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-----OPTIONAL PROCESS

<sup>1</sup> Citation is used primarily by the Portage Police Department in shoplifting cases despite the absence of a police officer when the event occurred.

<sup>2</sup> In the cities of Kalamazoo and Portage, citizen-based warrants are often held in abeyance for a voluntary appearance by a defendant.

<sup>3</sup> For a police-observed arrest, the complaint is sworn to and the warrant issued after the physical arrest has been made.

<sup>4</sup> A few very serious misdemeanor offenses which may carry a sentence of incarceration for more than a year must be tried in the Circuit Court. Processing for these cases is not depicted past this point.

FIGURE 2  
PRE-ILCCH CASE PROCESSING - KALAMAZOO COUNTY, MICHIGAN

is sent to the proper District Court to swear to the complaint before the arrest is made.<sup>5</sup>

The citizen-based arrest procedure for misdemeanants in the City of Kalamazoo differs from the process in the county. Citizen-based warrants, especially for offenses deemed to be minor, are often held in abeyance for a voluntary appearance by the defendant who has been notified to report for booking and arraignment.

The Portage Police Department differs from the other departments because, in addition to physically arresting a misdemeanant for an officer-observed offense, it utilizes an appearance (citation) ticket for local ordinance violations where the officer feels the defendant will voluntarily appear for arraignment. For other citizen-based charges, the PPD uses the same voluntary appearance procedure previously described for the City of Kalamazoo.

## 2.2 Pretrial Release

Few misdemeanor offenders are detained in jail awaiting trial. As noted above, the use of the appearance ticket by the City of Portage, as well as the voluntary appearance allowed by Portage and Kalamazoo City, decreases the need for incarceration awaiting arraignment. In the event that a physical custody arrest is made, the District Courts arraign defendants daily (except Sunday) thus allowing a maximum of 24 hours of lapse before a release decision can be made. (This applies only during the week.) For certain misdemeanor cases, District Court judges have empowered the police departments to

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<sup>5</sup> District Courts--courts of limited jurisdiction--have original jurisdiction for all misdemeanor and ordinance violations where the possible maximum sentence does not exceed one year of incarceration. There are three District Courts in Kalamazoo; 9-1 serves the City of Kalamazoo; 9-2 serves the City of Portage; and 8 serves the remaining territory in the County.

release defendants at the stationhouse on an interim bond pending arraignment. Typically, this is used only on the week-end.

In the event that a misdemeanor is detained pending arraignment, the courts provide a number of release alternatives.<sup>6</sup> The right of an accused to obtain his or her release prior to trial is constitutionally mandated in Michigan. Because the presumption favoring pretrial release is accorded constitutional stature in Michigan, it is binding on all courts of the state.

Generally, two types of release are used by the three District Courts in Kalamazoo County. The judge, at arraignment, may direct that an accused person be released pending trial either on personal recognizance or on an unsecured appearance bond. Decisions employing this release option for misdemeanants are based on judicial judgment as no formal mechanisms exist for providing judges with information on which to base the decision. (On the other hand, a release investigator for felony defendants has been utilized for some time by the Circuit Courts.)

The second type of release used by the District Courts is a personal money bond or bail. This is by far the most common method of release used for misdemeanants in Kalamazoo County. Michigan law permits the District Courts to operate a 10 percent bail-deposit provision. This allows the accused to pay to the court 10 percent (or less) of the amount of bail established by the court. If the defendant is found not guilty, 9 percent of the deposit is retrievable. One percent is retained to pay court costs. This procedure eliminates the substantial financial sacrifice entailed when a detainee purchases

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<sup>6</sup> Many misdemeanants plead guilty at arraignment, precluding the need for a release decision by the judge.

a surety bond in the full amount set by the court. If a bond is purchased, Michigan law permits the bondsman to exact from an accused a sum equal to 10 percent of the full amount of the bond issued. The sum is not retrievable by an accused, even upon his full and faithful compliance with the terms of the bond.

In setting bail, Michigan law does not require that the court evaluate the individual circumstances of an accused. The law only provides that the court shall fix bail "with consideration of the seriousness of the offense charged, the previous criminal record of the defendant and the probability or improbability of his appearance at the trial of the cause."

Efforts by the Michigan legal community are being made to change the law to allow judges to take into account the financial circumstances of an accused and his or her ability to make bail. This proposed change attempts to minimize the basic inequity which is inherent in the present system of money bail.

### 2.3 Prosecution

In Michigan, the discretion to formally charge an individual with a criminal offense of any degree rests with the prosecuting attorney under whose judicial, as well as geographic, jurisdiction the offense falls. If the offense is a city ordinance violation, the decision to charge would be made by the City Attorney of Kalamazoo or Portage or the Legal Office of Kalamazoo Township (local ordinances only), depending on the geographic area in which the criminal act occurs. For all misdemeanors that occur outside of the incorporated areas of the county, as well as for all state statute violations, the prosecuting agent is the County Prosecutor.

All of the above-mentioned prosecutors screen misdemeanor cases. Screening occurs at the time a prosecutor reviews complaints brought in by citizens and arrest reports submitted by police officers. Prosecutors determine if there is legal sufficiency to bring charges against an individual, and if so, what those charges should be.

For the city and township prosecutors, screening is done with few or no office-policy guidelines. The decision to prosecute or deny is made by the same individual (in most cases, the chief prosecuting officer) who will prosecute the case. For example, in the City of Kalamazoo, the police department groups cases for specific court days, and delivers them to the City Attorney's Office for screening. Cases for that day are then assigned to the available attorney. The assigned attorney reviews the cases individually and makes a decision to charge or deny.

Case screening at the County Prosecutor level is a more formal process - perhaps reflecting the larger role the prosecutor has in the overall charging process. Prior to 1974, however, the screening of cases was informally handled, and the function of screening cases in the Kalamazoo County Prosecutor's Office was perceived as being "one of the chores of the office."<sup>7</sup> For this reason, screening was routinely delegated to the newer, less experienced Assistants in the office. Frequently, the practice of "prosecutor shopping" was used by police officers to increase the probability that cases in which a warrant was requested were screened favorably. Because screening decisions could be made by any of the 12 prosecuting attorneys in the office, police officers frequently made several visits to the Prosecutor's Office until they could get an opportunity to have "their favorite prosecutor" review their case.

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<sup>7</sup> Kalamazoo County Prosecuting Attorney's Office Evaluation Report on Screening and Plea Negotiations Unit, February 1976.

In recognition of these problems, the County Prosecutor moved to institute a new Screening and Plea Negotiations Unit. To increase the screening uniformity, two experienced prosecutors were assigned case screening functions on a full-time basis beginning in 1974. Additionally, one screening para-professional was hired to provide critical screening services in the many cases that did not require the legal expertise of an attorney. This assistant (a social worker) refers complaints which are obviously not matters for the criminal justice system to other, more appropriate, community resource agencies. To assist the initial screening of cases, the Prosecutor's Office has made available an "Intake Scoring Sheet" which applies uniform criteria for making a decision to charge an offender. A warrant manual also aids in this process. The use of both these mechanisms, however, have never been formalized functions of the case screening process.

In police-initiated cases which have resulted in the immediate arrest of a suspect, the prosecutor's decision not to charge results in the dismissal of the case and the suspect's release from custody. In cases in which a police officer or a citizen files a complaint, a screening decision results in the issuance of a warrant or its denial.

Because of the number of different offices making charging decisions, non-uniformity and inconsistency in the decision process exists among the varying geographical and judicial domains. There is also some overlap and conflict between state statutes and local ordinances. Within the County Prosecutor's Office, for example, the Citizens' Probation Authority (CPA, see Appendix I, page 95) also acts as a screening agency for felony offenders and, in certain cases, misdemeanor offenders. While normally used for felony cases, the CPA

has also been used extensively for the misdemeanor of shoplifting.<sup>8</sup> However, the use of CPA in this context is unusual in that the act of shoplifting, if charged in an incorporated jurisdiction (i.e., Kalamazoo or Portage), constitutes an ordinance is not eligible for entry to the CPA. But a concurrent state felony statute charge, larceny in a building, applies to shoplifting and, if a prosecutor desires, a defendant may be charged accordingly. By law these charges are made by the County Prosecutor, thus enabling a defendant to enter the CPA program. The use of this procedure has raised some serious questions about the uniformity of charging decisions throughout the county.

#### 2.4 Sentencing and Sentencing Alternatives

Upon conviction for a misdemeanor in any of the three District Courts serving Kalamazoo County, there are three possible sentencing dispositions: fine, probation, or incarceration. A combination of these dispositions is frequently utilized by District Court judges.

The most common disposition for a misdemeanor offense processed in the District Court is a fine. This is a reflection of the large proportion of relatively minor ordinance infractions that constitute the non-traffic misdemeanor caseloads of the three District Courts. A fine levied for conviction of a misdemeanor offense can run as high as \$1000 per offense, but most court fees have been less than \$200.<sup>9</sup> A defendant is typically assessed court costs and a state fee in addition to the actual fine.

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<sup>8</sup>The CPA screening alternative does not apply to any other misdemeanor offenses.

<sup>9</sup>The few exceptional "Circuit Court misdemeanors" can carry fines as high as \$1000.

Misdemeanants receiving probation as a sentence are supervised by the probation staff assigned to each of the District Courts. These probation officers supervise caseloads consisting entirely of misdemeanor offenders. By Michigan state law, probation is "rejectable;" that is, it is optional and essentially voluntary. Thus, it is the defendant's right to turn down probation and serve a jail term instead. Probationary status for misdemeanants may extend for as long as two years, far exceeding the maximum jail sentence permitted by law for the same offense.

Normally, the terms of misdemeanor probation are minimal and usually require a monthly reporting to the probation officer. In accepting probation, the defendant makes a commitment to seek rehabilitation in the manner set forth by the supervising authority. This often requires client participation in special community programs directed toward assisting the defendant (e.g., Alcoholics Anonymous, vocational rehabilitation, etc.).

Finally, a few misdemeanor offenders are incarcerated. The maximum sentence for any one misdemeanor offense (excluding a few Circuit Court misdemeanors which may carry a jail term of up to one year) is 90 days. A combination of jail term and fine is commonly used by the judges. Convicted misdemeanants are incarcerated at the Kalamazoo County correctional facility. This facility is unusual in that it is one of the most modern jail facilities in the country. Counseling, work release, and other human resource programs are readily available to misdemeanor offenders.

## 2.5 Presentence Investigation

While formalized presentence investigation (PSI) reports are required at the Circuit Court level, they are not required in the District Courts where most misdemeanants are tried. Presentence

investigations are, however, available upon request by a judge of the District Courts. Typically, reports are requested by judges in more serious misdemeanor cases or in the event a judge perceives some particular need (e.g., an habitual minor offender).<sup>10</sup> PSI's, when requested, are performed by the probation staff of the particular court. For District Court 9-1, there are two employees specifically charged with performing PSI's. In the other two District Courts, PSI's are performed as an adjunct responsibility of the assigned probation officer.

When requested by a judge, PSI's are completed in about 30 days. It is not uncommon to postpone sentencing in order to provide more time for the completion of a PSI. A PSI report is typically provided to a judge one day prior to sentencing. A defendant who is the subject of a PSI is required to sign a release allowing investigators to contact employers and collect other semi-confidential information. This information is collected via the mails which prolongs the process. When completed, the PSI provides a recommendation to the judge regarding the sentence and conditions to impose.

Many problems have been encountered in Kalamazoo in the use of PSI's for misdemeanor offenders. First, there is little uniformity among District Courts regarding the type of information collected during the investigations. More important, none of the District Courts have specified criteria or a decision rule as to when a PSI should be requested. The end result is an inconsistency in PSI report requests as well as in their method of preparation and substance. Judges have expressed some dissatisfaction with the complexity of the forms used, the lack of consistency among investigators and the time needed to complete the investigations.

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<sup>10</sup> It is estimated that PSI's are requested for between 10-25 percent of the convicted misdemeanants.

## 2.6 Summary

The description of misdemeanor processing in Kalamazoo County prior to the ILCCH program makes it clear that only a few of the ILCCH components were entirely new, that is, would represent innovations in the local criminal justice system. Citations were being used in Portage and their expansion to the City and County of Kalamazoo seemed to be a logical step for the respective law enforcement agencies to take. The situation with regard to summons was unclear, because, although no jurisdictions were employing the summons procedure, all were using an informal process that was of the same nature and served the same purposes as summons. Given that formal pretrial release investigations were available to felons, it would seem natural to extend this option to misdemeanants. At the same time, the need for these services was not clear, given that money bail and informal release procedures resulted in almost no misdemeanor detainees.

Screening of misdemeanor cases was already being conducted by all the prosecutorial agencies in the County; however, only the County Prosecutor employed a formal unit. Thus, the question of the consistency of charging decisions across the three prosecutorial agencies in the County was most salient. The need for an automated PROMIS in the County Prosecutor's Office was questionable, mostly because of the costs involved for a jurisdiction the size of Kalamazoo County. However, the growing felony and misdemeanor caseloads, and related court delays, indicated that some type of information system directed at better case management was a need, although hardly specific to misdemeanors.

Misdemeanant probation was a widely used sentencing option in Kalamazoo County, although, as in many jurisdictions, the use of intensive supervision (with low client-worker caseloads) was not economically

feasible. Presentence investigations were routinely performed for misdemeanants, although the cases in which they were used and the information gathered followed no guidelines. Thus, both SOP and the presentence investigation component offered useful methods for improving the misdemeanor sentencing and correctional process.

In many respects, this description of misdemeanor processing reveals Kalamazoo as something less than an ideal site, at least from the point of view of need for the ILCCH components or substantive problems in misdemeanor case handling. There were effective, informal methods for getting misdemeanants to court, cases were screened before being charged, few misdemeanants were detained or incarcerated, and presentence investigations and misdemeanor probation were routinely employed by the courts. Kalamazoo was not a site that would find simple and direct application of the ILCCH components as prescribed. Like all four ILCCH sites, it would have to reshape the components and struggle with the process of component definition and implementation.

### 3.0 ILCCH PROGRAM DEVELOPMENT

#### 3.1 ILCCH Initiation and Grant Development

Kalamazoo became a candidate for the ILCCH program through the efforts of the County Prosecutor's Office. The County Prosecutor of the office first learned of the program while in Washington, D. C. on other business. At that time the grant application by Kalamazoo for a Career Criminal Program, also funded by the LEAA, was pending approval and additional funds were being sought to support the design and implementation of a prosecutor management information system to complement the program. Since it was unclear whether or not monies for such a system would be available through the Career Criminal grant, the PROMIS component (see page 2 above) was seen as an especially attractive feature of the ILCCH program; it was this aspect of the program which apparently sparked Kalamazoo's early interest in ILCCH.

Upon returning to Kalamazoo, the Prosecutor Administrator contacted the LEAA Region V Courts Specialist to secure additional details about the ILCCH program. Contacts were also made with the District Court judges at this time to assess their interest in and support of the program. Following these contacts, Kalamazoo was named as one of the two sites (the other being Grand Rapids, Michigan) nominated by Region V for participation in the ILCCH program.

The final selection of Kalamazoo as the Region V demonstration site was a product of the site assessment process developed and conducted by the Institute for Law and Social Research (INSLAW). On March 23-25, 1975, INSLAW staff met with representatives from police, prosecutorial, court and probation agencies to assess their interest in and capabilities for successful program implementation. These meetings convinced INSLAW that Kalamazoo was a better testing ground for the ILCCH program than Grand Rapids. Although INSLAW had identified several features which argued well for a successful program in Grand

Rapids, including a respected District Court Administrator and an active community interest in the criminal justice system, Kalamazoo was favored because of the prosecutor's reputation for innovation, the regional planning leadership, and the spirit of interagency cooperation said to be evident during the site assessment meetings.

Shortly after the INSLAW visit, the Regional Office and County Prosecutor's Office were notified by the Office of Technology Transfer (OTT) that they had been selected to apply for the program. Prior to writing the grant application, the Crime Commission Director for the local regional planning unit staged a series of meetings with each of the agencies to be involved in the program. Agency representatives were asked to review the program concept and give their assessments of its potential impact on their agency's specific operations. The results of these meetings provided the foundation for discussions of component objectives and intended benefits which would then appear in the grant application. These meetings and subsequent requests for agency data to include in the grant application highlighted data gaps and inconsistencies. Variations were found in the type and quality of data collected and maintained by the criminal justice agencies within the country, thus exposing a situation, described in the grant application, indicative of Kalamazoo's need for a program like ILCCH.

The grant application, jointly written in May 1975 by the Crime Commission Director and the County Prosecutor Administrator, reflected the importance of interagency coordination to the ILCCH concept as seen in Kalamazoo. The Mass Case Coordinator (MCC) was viewed as playing the pivotal role in the development and implementation of the program. The individual hired for this position would be responsible for the day-to-day management of the program and serve a coordinating function with members of the criminal justice community. Overall program policy and supervision would be exercised by a

coordinating council, comprised of representatives from criminal justice agencies throughout the county. Council meetings and the efforts of the MCC would hopefully encourage these representatives to reexamine current policies and practices and develop the details of component implementation with an eye toward increased uniformity and efficiency.

The perceived need for increased uniformity and consistency in agency practices was manifest throughout the grant application. For instance, inconsistencies were noted in the criteria and decision rules governing requests for presentence investigation reports, in the type and quality of reports completed, in the charging policies of the various prosecutorial agencies, and in the type and quality of data collected by the various criminal justice agencies within the county. To resolve these problems, component plans included an analysis of sentencing information needs and decision criteria, the development of a uniform charging manual for prosecutorial agencies, and the implementation of a management information system to assist agencies in the collection of data.

According to the grant application, working subcommittees within the council would be responsible for the actual design and development of program components. It was envisioned, for instance, that representatives of the court, probation office, City Attorney's Office and police would jointly develop the selection criteria, treatment design and evaluation measures for the select offender probation component. Representatives from the City of Kalamazoo Police Department, City Attorney's Office and District Court 9-1 would likewise constitute a working subcommittee, this one responsible for developing an instrument and procedures for the City of Kalamazoo's police citation component. The grant application made it clear, then, that component development would be the responsibility of existing criminal justice

agencies. Representatives of these agencies were expected to work with one another and with the mass case coordinator to develop policies and procedures which would meet agency needs and promote uniformity in agency practices.

Component implementation was envisaged as a two-stage process, with the City of Kalamazoo (or District Court 9-1) earmarked as the component testing ground. The volume of non-traffic misdemeanor activity was important in this decision since the City of Kalamazoo accounted for at least 50 percent of the reported offenses of this type and Court 9-1 disposed of more than 35 percent of the County's cases. Components were first to be implemented in the city, modified as necessary, and then transferred to other jurisdictions in the county. Exceptions to this phased implementation schedule were the case screening, PROMIS, and supervised probation components. Because a formal case screening unit had been established in the County Prosecutor's Office in 1974 (see page 12 above), so as to provide a mechanism for screening out legally insufficient cases, the focus of this component was not the introduction of case screening, but rather, increased uniformity in charging decisions across prosecutorial jurisdictions. Accordingly, a charging manual would be developed for use by city and county prosecuting attorneys, an endeavor which naturally would involve all jurisdictions from the outset of the program.

PROMIS, or some modification of the prototype Prosecutor Management Information System, would be implemented simultaneously in both the County Prosecutor's Office and in the City of Kalamazoo--the two prosecutorial agencies in the county of sufficient size to make implementation worthwhile. At the time the grant application was written, PROMIS was being considered at the felony level in the County Prosecutor's Office. A number of questions, however, remained unresolved about the applicability of the PROMIS model (e.g., its

relevance to misdemeanor cases; the need for priority case scheduling given relatively small caseloads; and the cost/effectiveness of an automated system). It was felt, however, that PROMIS (or some modified version of it) could contribute to a more effective management of misdemeanor cases and greatly facilitate efforts to resolve data inconsistencies across jurisdictions. Case management was therefore the most important consideration and one which argued for implementing the system in the County Prosecutor's Office and the Office of the Kalamazoo City Attorney.

The supervised probation component would be implemented only in the City of Kalamazoo during the time period of the ILCCH grant. The decision to hire only one probation officer was a result of the fact that this component was labor-intensive (that is, some local agency would have to assume the salary after ILCCH) and the lower priority accorded this component. Since misdemeanants receiving probationary sentences in Michigan are supervised by probation staff assigned to each of the District Courts, the special probation officer to be hired by the program would necessarily be restricted to supervising a select group of probationers sentenced by judges from a single district. The decision was made, therefore, to target the City of Kalamazoo because its larger caseload afforded the better opportunity to develop the component.

Overall, Kalamazoo viewed the program as offering the opportunity to extend existing services and to unify or equalize procedures across the different jurisdictions of the county. For instance, the pretrial release component was seen as providing necessary funding to offer misdemeanants the type of formal pretrial services which had already been available to persons accused of committing a felony. In terms of interjurisdictional procedures, the police citation and court summons components provided opportunities for more fully utilizing these processing options as well as incentives for unifying issuing policies

of the various law enforcement and prosecutorial jurisdictions. Consistency in charging decisions could be promoted by the development of a charging manual. Special emphasis was placed on the need for interagency coordination and consistency, on the importance of the Coordinating Council and Mass Case Coordinator position in this regard, and on the opportunity offered by program components to systematize and improve the handling of misdemeanor offenders in Kalamazoo County. In sum, it seems clear that the concept of the ILCCH program had been well understood by the authors of the Kalamazoo grant application.

The local evaluation - that is, its anticipated structure and purposes - was also addressed in the grant application. It was envisioned that a three-person, multidisciplinary team would be assembled to develop measurable criteria for each program component. An individual with a legal background and an understanding of management principles would be hired to assume evaluation responsibilities for the police citation, court summons and case screening components, and to answer legal questions concerning the implementation of these components. PROMIS was to be evaluated by a systems analyst who would also assist the mass case coordinator and coordinating council in the collection and analysis of data from the other program components. The remaining components - pretrial release, short form presentence reports and supervised probation - were to be evaluated with designs created and implemented by a criminologist-sociologist. The three analysts were to function independently in their areas of expertise while providing assistance to one another as necessary. This structure was expected to provide information for program expansion and for refunding decisions.

### 3.2 Program Start-Up

The formation of a coordinating council in Kalamazoo, in July 1975, signaled the beginning of the ILCCH program in Kalamazoo. As

initially envisioned, the ILCCCH Coordinating Council (hereafter "Council") was vested with responsibilities for reviewing program progress, establishing policy, and evaluating the performance of grant personnel, Council subcommittees, and the performance of individual program components. In addition, contracts with any outside agencies or individuals (including the mass case coordinator) could be entered into only with prior approval by the Council.

The Council consisted of representatives from the various criminal justice agencies within Kalamazoo County. Each of the following Council members (or a designated substitute) could cast a vote for motions under consideration by the Council:

- District Court 9-1 judges (4)
- District Court 9-2 judge (1)
- District Court 8 judges (2)
- Kalamazoo City Attorney
- Chief of the Kalamazoo Police Department
- Chief of the Portage Police Department
- Director of the Region III Crime Commission
- Ninth District Court Administrator
- Ninth District Chief Probation Officer
- Chief of the Western Michigan Public Safety Department
- Kalamazoo County Prosecutor

An Executive Committee was also established as a standing committee of the Council. This committee, which could be authorized to approve any activities the Council could approve, was formed so that necessary business could be conducted between monthly Council meetings, thereby facilitating the efficient and orderly operation of the program. The Executive Committee was to be composed of the Chairperson, Vice-Chairperson, and one other member of the Council appointed by a majority of Council members. A District Court 9-1 Judge was elected Chairperson of the Council; the Kalamazoo City Attorney

was selected as Vice-Chairperson, and the Chief Probation Officer of the Ninth District was appointed to serve as Recording Secretary. The Prosecutor Administrator was appointed by the Council to fill the remaining position on the Executive Committee.

The Council's first order of business was the selection and hiring of a mass case coordinator. At the Council's first meeting (July 3, 1975) the Region III Crime Commission Director suggested that the coordinator position be filled as quickly as possible so that the Mass Case Coordinator could attend a two-day orientation seminar being planned by the OTT for early August. A screening committee headed by the Prosecutor Administrator was established and given the responsibility for working out the details of the selection process.

The six-member screening committee initially reviewed thirty applications for the position, selecting eight for further consideration. Interviews were then held over a two-day period in early August with the intent of selecting the top three candidates for consideration by the Council. Applicants were rated in three major skill areas: personal relations, problem solving, and personal motivation. Ratings were arrived at by testing applicants on their ability to translate an objective statement into a measurable outcome-oriented statement, on the logic of their approach, on their ability to define a system, on their ranking of values in the problem-solving procedure, and on their performance in handling highly political questions. Although the committee presented three candidates to the full Council, there was unanimous agreement among committee members that one applicant, James Stone, a lawyer, was the top candidate for the position of Mass Case Coordinator. This recommendation was then unanimously supported by the Council.

On September 2, 1975 the Mass Case Coordinator arrived in Kalamazoo to assume full-time responsibilities for program planning and management. The MCC's office was established in the County Prosecutor's Office. With the approval of the LEAA Region V Courts Specialist, the program start date was changed from July to September 1, 1975, and the MCC replaced the County Prosecutor as Project Director.

Budgetary modifications to account for an increase in funding from \$190,699 to \$250,000 were also made at this time. Since four rather than five demonstration sites had been approved by the OTT, each of the four sites had been allocated an additional \$50,000 and asked to submit revised budgets. Reflecting the LEAA decision to have the costs for developing PROMIS in Kalamazoo borne solely by the ILCCH program grant rather than by the Career Criminal grant, PROMIS funding was increased from \$55,200 to \$67,800. In Kalamazoo, a substantial increase was also accorded to the local evaluation effort, raising the amount allocated from \$11,118 to \$24,000.

Responsibilities for component planning and development were delegated during the first month of the program. The Council established the citation and prosecutor case screening subcommittees, involving representatives from the Kalamazoo Police Department, City Attorney's Offices, District Court 9-1, County Sheriff's Department and Prosecutor's Office. For pretrial release, presentence investigation, and misdemeanor probation, early analysis and planning activities were to be undertaken by the Chief Probation Officer of the Ninth District, the MCC, and a District Court 9-1 judge. To get PROMIS underway, the Council approved a motion giving the Executive Committee authority to approve any necessary action to procure a contract for evaluation and systems analysis service.

The MCC also began an evaluation plan for use in identifying and subsequently selecting individuals to perform the local evaluation of the program. Having obtained the Council's approval of the plan, which included a set of objective and subjective evaluation criteria, the MCC began investigating the availability of potential evaluators. An RFP was subsequently prepared and published, and the Center for Sociological Research (CSR) at Western Michigan University was selected by the Council in January from a pool of five respondents. The total cost of the proposed effort was estimated to be \$36,000, with CSR offering a \$12,000 in-kind match to coincide with the monies available through the program (\$24,000).

A new name for the ILCCH program was also agreed upon during the first months of the program. Early attempts to rename the program had apparently been unsuccessful, with suggestions failing to capture the multi-jurisdictional, multi-agency thrust of the program. Council members had even been reminded by the Chairperson that "the project's final name should be reflective of the total cooperative effort of the entire county." The Council finally reached unanimous agreement upon: IMPAC--Improved Misdemeanor Program for Administration and Caseflow Kalamazoo County-Wide.

With a functioning Coordinating Council, a Mass Case Coordinator, a new name, and a set of working subcommittees, the program was underway by the end of September. Because of early efforts to determine whether or not there was local support for the program, to proceed only because such support was manifest, and to define the direction of each component, the process of component design and development could ensue without the added task of "selling" program goals and component concepts to representatives of the criminal justice community.

#### 4.0 POLICE CITATION

##### 4.1 Developing The Citation Component

Police citation in lieu of arrest in Kalamazoo County was not a new concept when the IMPAC program began. First, state law (the Michigan Code of Criminal Procedure) included specific provisions which permitted the issuance of "appearance tickets" that would designate persons to appear in a local criminal court. Issuance of these tickets was restricted in the state Code to violations of state law or local ordinances which carried maximum jail and fines of 90 days and \$500 respectively. Secondly, since 1968, citations had been used in the City of Portage for minor ordinance offenses such as trash and criminal control violations.

According to the IMPAC plan for developing the citation component, early program efforts were to be directed at developing a citation form and procedures for the City of Kalamazoo, and eventually, at expanding usage to the entire county.

The IMPAC Coordinating Council at its September 1975 meeting designated a subcommittee to establish policy, procedural guidelines, and a training program and to develop a form for implementing citations by the Kalamazoo Police Department (KPD). However, development of a citation form for city-wide use did not proceed smoothly and some dissatisfaction was expressed with the "city-only" approach. Because of this, the Council decided that component development should be a county-wide effort aimed at the implementation of a common citation form in the city, county, and Portage.

Largely through the efforts of the MCC, mediation between city and non-city members of the Council resulted in an agreement by November 1975 upon a common citation form.

Between November 1975 and March 1976, the MCC and the Council developed model procedures for citation use and a formal training program for police officers. During this time, the Council's citation subcommittee was attempting to determine the applicability of the citation procedure in instances where the police officer was not witness to an offense. Differences of opinion regarding the legality of issuing a citation based on the sworn statement of a citizen complainant as opposed to actual police observation were finally resolved when, at the Council's behest, the MCC formally requested the State Attorney General to render an opinion. The Attorney General advised the Committee that citations should be used only for eligible offenses that occur in the presence of a police officer.

By late March 1976, the citations were printed and training in their use had been provided to the KPD. District Court judges had also been briefed on the administrative procedures which had been established to guide the use of citations and their processing through the courts.

Use of the newly developed police citations by the KPD began on April 5, 1976. The Kalamazoo County Sheriff's Department (KCSD) completed the necessary training for their personnel and began using citations on June 1, 1976. The City of Portage, having used citations for local ordinances continued to do so adopting the new citation form when the supply of their old form was depleted.<sup>11</sup>

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<sup>11</sup>In Portage, other than the new form, the only change resulting from the IMPAC program with regard to citations was the they would now be utilized for statute misdemeanors as well as local ordinance offenses.

In addition to the fact that citations may only be used for offenses occurring in the presence of a police officer, procedures adopted by both police departments (KPD and KCSD) make clear that an officer's decision to issue a citation or make a full custody arrest is discretionary. The officer, in deciding upon the type of action to be taken, is instructed to consider three factors in making the decision to arrest or to issue a citation:

- the likelihood that a defendant will fail to make a court appearance;
- the dangers to either the community or the defendant if the latter is allowed to remain free; and
- the likelihood that the defendant's illegal activity will continue if not stopped by making a custody arrest.

Judgments regarding the answers to these questions are often supplemented by criminal history checks (via the state criminal history data system at police headquarters) and occasional verification of residence, employment, or next of kin data by phone.

#### 4.2 Citation Usage

The KPD envisioned two major benefits when it adopted the police citation procedure. First, citations would save police officers' time and hence municipal resources by eliminating the need to transport and formally book offenders; second, citations would foster good police-community relations by sparing minor offenders the stigma of arrest.

The actual usage of the citation (between April 1976 and March 1977) has been infrequent in comparison to the number of total arrests made for non-traffic misdemeanors by the police (see Table I). During this period there was 4,333 non-traffic misdemeanor arrests, but only 192 citations issued (4.4 percent of arrests). This low percentage reflects the fact that citations are limited to situations in which

TABLE I  
MISDEMEANOR ARRESTS AND CITATION DATA  
KALAMAZOO POLICE DEPARTMENT  
JANUARY 1975 - MARCH 1977

		MONTH	TOTAL MISDEMEANOR ARRESTS (EXCLUDING TRAFFIC)	ARRESTS FOR OFFENSES WHICH ARE CITABLE (CITABLE OFFENSES)	ARRESTS FOR POLICE-OBSERVED CITABLE OFFENSES (CITABLE ARREST OPPORTUNITIES)	CITATIONS ISSUED
PRE-CITATION PERIOD	1975	JANUARY	367	96	33	
		FEBRUARY	396	87	20	
		MARCH	380	82	25	
		APRIL	367	87	41	
		MAY	347	70	22	
		JUNE	330	45	15	
		JULY	344	73	26	
		AUGUST	375	67	16	
		SEPTEMBER	442	70	25	
		OCTOBER	331	61	12	
		NOVEMBER	348	68	25	
		DECEMBER	147	28	3	
CITATION PERIOD	1976	JANUARY	365	85	9	
		FEBRUARY	471	61	12	
		MARCH	350	57	12	
		APRIL	476	119	35	12
		MAY	356	47	16	7
		JUNE	382	65	20	13
		JULY	381	87	58	43
		AUGUST	412	81	48	33
		SEPTEMBER	372	67	38	21
		OCTOBER	311	64	24	8
		NOVEMBER	237	41	15	6
		DECEMBER	392	48	26	10
		1977	JANUARY	326	51	14
		FEBRUARY	336	46	26	13
		MARCH	352	53	38	19
		TOTAL SINCE APRIL 1976	4333	769	358	192

SOURCE: KPD COMPUTER PRINTOUT - IMPAC EVALUATION FOR APPEARANCE TICKET.

(a) the offense was one for which the issuance of a citation was allowed by KPD departmental practice, and (b) a police officer personally observed the offense.

To show the limited applicability of the citation, Table I distinguishes among offenses where department policy allowed citations (citable offenses) and those citable offenses where the police officer also observed the offense (citable arrest opportunities). First, of the total misdemeanor arrests (4333), only 769 (17.7 percent) involved citable offenses. This low proportion is primarily because three of the most common (over 70 percent) non-traffic misdemeanor offenses (i.e., shoplifting, obstruction or assaulting/interfering with a police officer, and drunk and disorderly) are not among those offenses eligible for citations.

The requirement that a police officer witness the offense further limits the applicability of the police citation. Data in Table I indicate that arrest for citable offenses which were also witnessed by a police officer ("citable arrest opportunities") comprised only 8.3 percent (358/4333) of all non-traffic misdemeanor arrests. This means that citation usage was not possible in 92 percent of non-traffic misdemeanor arrests made. Obviously, this significantly limits the potential impact of citations on the City's processing of misdemeanors.

Table I also compares the actual usage of citations by the KPD from April 1976 to March 1977 to the instances where citations were applicable (citable arrest opportunities). The data indicate that citations have been used by the KPD in 53.6 percent (192/358) of the citable arrest opportunities. This suggests that police officers have accepted the new procedure and have used citations fairly consistently when the opportunity presented itself. However, while this percentage is substantial in terms of citable arrest opportunities, it is important

to note once again that the actual usage of the citation (192) has been small (less than 5 percent) compared to the total number of non-traffic misdemeanor arrests (4333).

While citations offer police officers in an alternative to making a formal arrest, they may also be used by the police to take formal action in situations where heretofore either no action or a warning would have been employed. The question then becomes one of whether, and to what extent, the availability of the citation alternative increased police willingness to take formal action in situations where no action would have occurred in the past. The data presented in Table I does not rule out the possibility that the availability of citations resulted in an overall increase in police intervention in situations where citations could be used (citable arrest opportunities). Comparing equivalent periods in 1975 and 1976 (April-December), the volume of citable arrest opportunities increased from 185 in 1975 to 280 in 1976, a 51.4 percent increase.<sup>12</sup> While there may be other explanations for this increase (i.e., more crime, increased police activity, etc.) personnel from KPD have suggested that the use of the citation may indeed have resulted in higher levels of formal intervention by the police.

Table II depicts the offenses for which police citations were issued by the KPD from April 1976 through March 1977. In more than half the cases issuance of a citation has been for the charge "open intoxicants in vehicle." Other frequency cited offenses were "excessive noise," "gambling," and "intoxicants in a public place." The nature of these offenses helps explain the higher frequency of citations issued during the summer months (See Table I). During

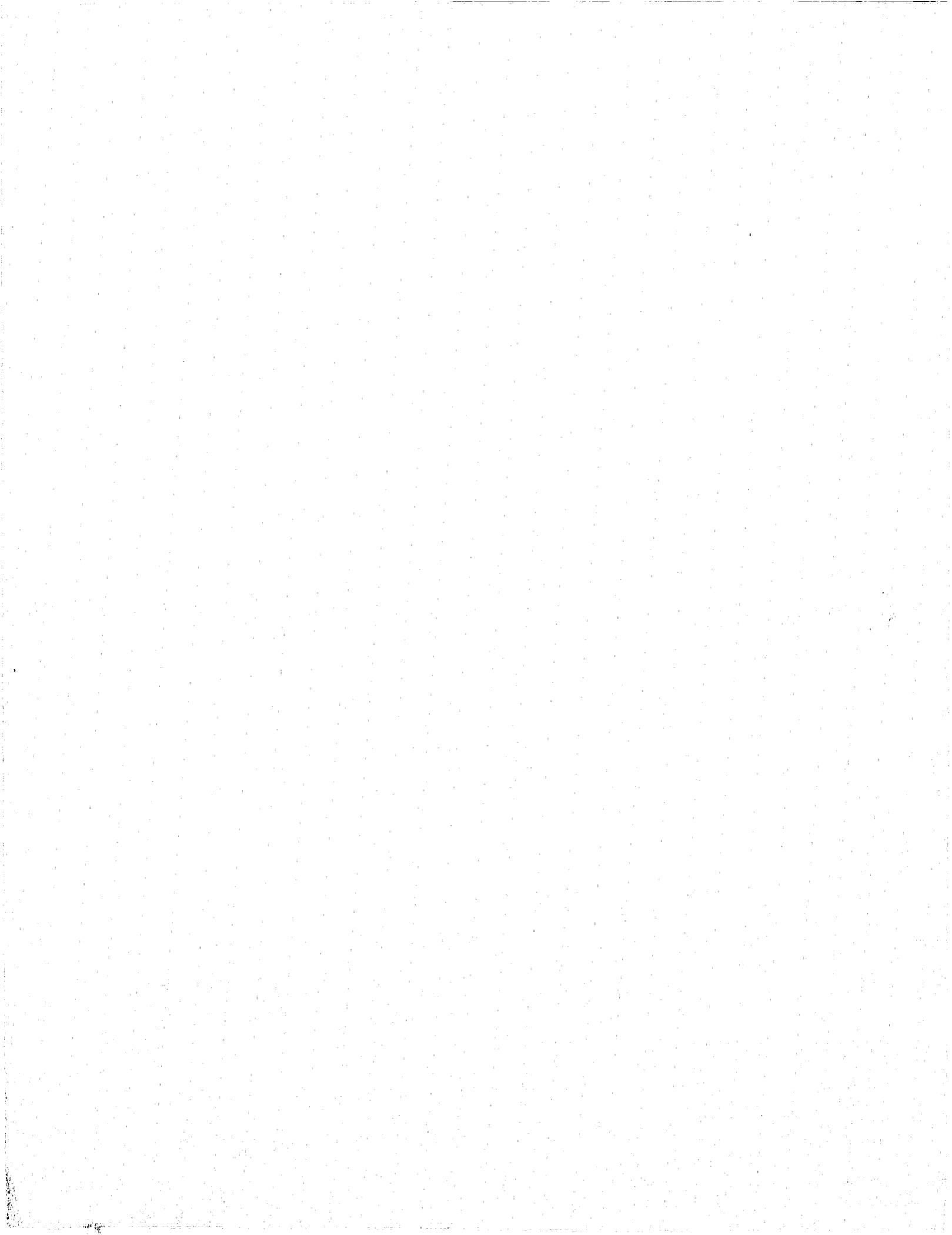
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<sup>12</sup>Total misdemeanor arrests (excluding traffic) increased only 9.5 percent during this same period.

TABLE II

KPD - OFFENSES FOR WHICH  
CITATIONS WERE ISSUED  
APRIL - MARCH 1977

OPEN INTOXICANT IN CAR	102	53%
GAMBLING	19	10%
EXCESSIVE NOISE	24	12%
DOG VIOLATIONS	9	5%
CONTRIBUTING TO THE DELINQUENCY OF A MINOR	5	3%
ASSAULT	2	1%
INTOXICATED IN PUBLIC PLACE	20	10%
LITTERING	5	3%
VARIOUS LICENSE VIOLATIONS (i.e. HUNTING, OPERATING PUBLIC ENTERTAINMENT)	6	3%
TOTAL	192	100%



the months (July, August, September) illegal activities are more likely to occur outdoors, making them more susceptible to police observation, a requirement of citation usage.

Cost savings for the KPD resulting from citations are primarily the result of time saved. Because a formal arrest is not made, savings are a result of eliminating police officers' need to:

- transport defendants to the stationhouse;
- book the defendant and prepare an arrest report; and
- authorize a warrant and appear at arraignment.

Estimates from KPD indicate the actual cost savings resulting from dispensing with these requirements to be between \$11.00-\$44.00 per case. The wide variations in the range of savings per case are the result of factors determined by the nature of the offense. For example, in instances where the charge is "intoxicants in a vehicle" (the offense for which citations are most often used), defendants' automobiles must often be impounded and stored by the police, adding significantly to the time involved in making and processing an arrest. Other variables include the number of police officers in the patrol car involved in an arrest (one or two officers) and delays incurred because of the time of an arrest (weekend, holiday, early morning hours). Assuming a cost savings of \$25.00 per case, the midpoint of the estimate received from KPD, the total cost savings realized by KPD from April 1976 to March 1977 is estimated to be \$4,800.00 (192 x \$25.00). This estimate, of course, does not account for other indirect benefits realized by citations such as the potential for increased police productivity and improvements in police-community relations. However, other benefits with potential cost saving implications have been cited by the KPD. Most significant have been the savings in prosecutorial time and resources since citations are not screened or processed by a prosecutor (city or county) unless a plea

of not guilty is entered by the defendant (a not guilty plea was entered for only 8 of the 192 citations disposed as of March 1977).

In addition to any savings realized, acceptance of the citation concept has been facilitated because it offers an effective way of bringing minor offenders to court. In the overwhelming majority of cases where citations have been used, defendants have appeared in court as scheduled. The most current figures from the KPD indicate only four non-appearances since citations were introduced in April 1976. Further, although citations allow the alleged offender to avoid the booking and detention process, in no cases did the KPD express the feeling that citations might be counterproductive through the loss of the deterrent value of traditional arrest procedures.

The pattern of police citation utilization by the Kalamazoo County Sheriff's Department (KCSO) and the Portage Police Department (PPD) has been similar to that of the City of Kalamazoo. In both jurisdictions non-traffic misdemeanor arrests constitute a relatively small portion of arrest activity and police observation of offenses are infrequent (estimated to be less than 10 percent of all arrests).

The Kalamazoo County Sheriff's Department, as noted previously, began issuing citations in June 1976. Offenses for which citations may be issued at the scene of arrest are essentially the same as the KPD. Table III shows the KCSO's use of citations from June 1976 through March 1977. While the volume of usage (184 citations) compares favorable with that of the KPD, it is important to note a difference in citation procedures between the two jurisdictions. Citations in the county were frequently issued for "drunk and disorderly" offenses at the police station after the defendant had been transported and held in protective custody overnight in the county jail. Table III therefore distinguishes between stationhouse

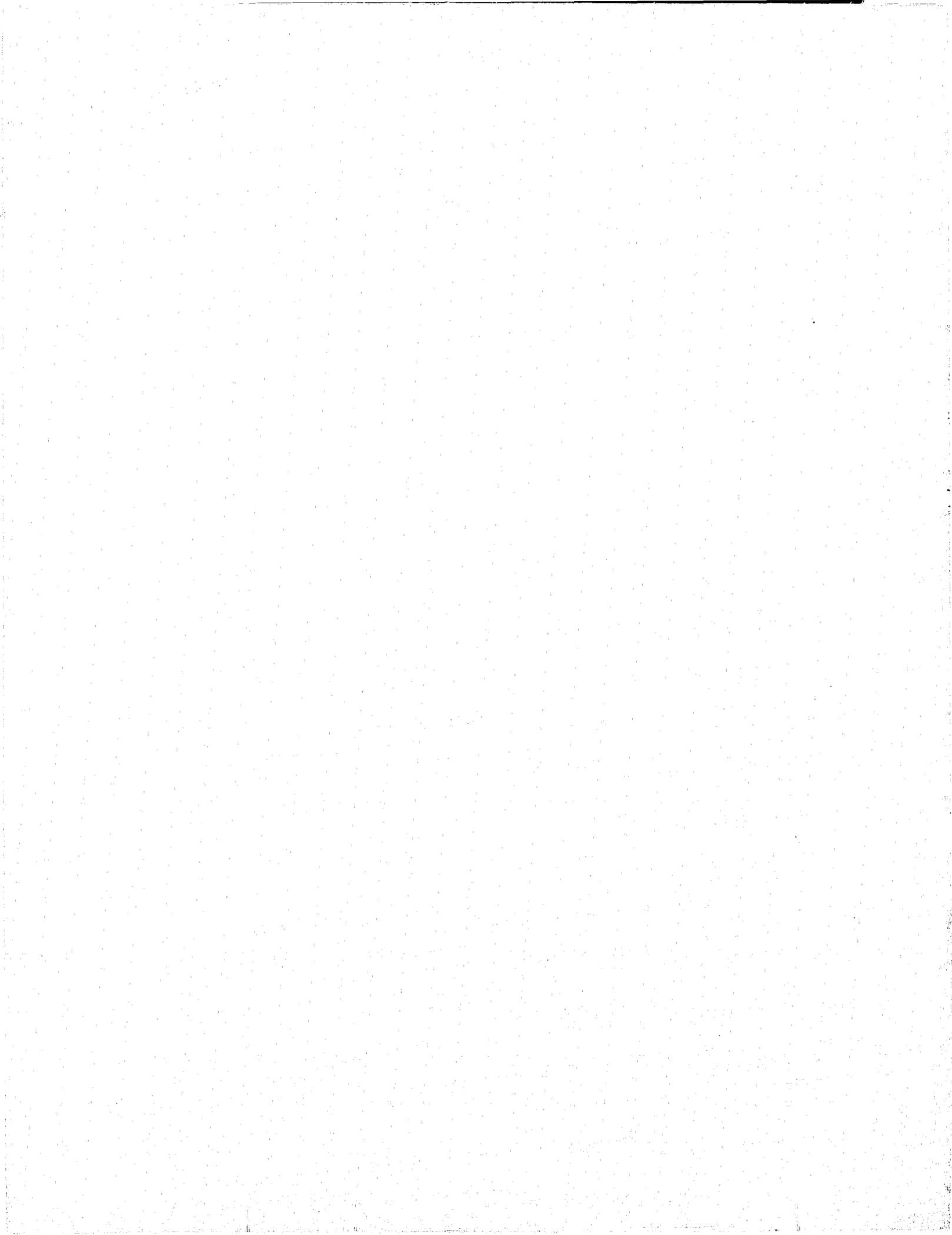


TABLE III  
CITATION DATA  
THE KALAMAZOO COUNTY SHERIFF'S DEPARTMENT

1976	STATIONHOUSE CITATIONS (DRUNK AND DISORDERLY)	FIELD-ISSUED CITATIONS (OTHER OFFENSES <sup>1</sup> )	TOTAL
JUNE	20	9	29
JULY	9	5	14
AUGUST	16	10	26
SEPTEMBER	10	11	21
OCTOBER	9	8	17
NOVEMBER	20	9	29
DECEMBER	16	6	22
JANUARY	9	-	9
FEBRUARY	6	1	7
MARCH	<u>9</u>	<u>1</u>	<u>10</u>
	124	60	184

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<sup>1</sup> Open Intoxicants in a vehicle  
Disorderly person  
Use of Marijuana  
Receiving and Concealing Stolen Property  
Minor Disturbance of property  
Improper Use of Plates  
Uncased Weapon

citations issued for the offense "drunk and disorderly" (124) and field-issued citations for other offense categories (60). Only the latter citations were issued in the field and totally eliminated the need to transport and book the defendant.

A representative of KCSD estimated that for the 60 field-issued citations a cost savings of \$35.00-\$50.00 per case had been realized or a total of \$2,100.00-\$2,400.00 between June 1976 and March 1977. Stationhouse citations for drunk and disorderly cases were also seen as cost savers because they eliminated the need for police to obtain a warrant and accompany a defendant to arraignment if a traditional arrest was made. No specific estimates, however, were available for these savings.

The Portage Police Department (PPD) did not formally adopt new citation procedures as a result of the IMPAC program. Other than the adoption of a new form, the only modification in Portage resulting from the IMPAC program was a change in policy to allow the use of citations for state statute misdemeanors. Previously (since 1968), citation use was restricted to local ordinances involving violations of natural resources, agriculture, animal control and water safety regulations. A sampling of four months (March-June 1976) indicated 56 citations had been issued with about 70 percent involving local ordinance violations. Thus, the evidence suggests that citation usage in Portage has not changed significantly during IMPAC as the opportunity for citation use for statute misdemeanors has been infrequent.

The implementation of the police citation component throughout Kalamazoo County has generally been successful and appears to have a solid foothold in the two large police departments where the procedures were new. While initial estimates of the benefits of the

component (with regard to the potential for citation use and resulting cost savings) were very optimistic, the early experiences of IMPAC suggest that modifications would be needed if citations were to significantly impact misdemeanor processing. Expanding the list of offenses for which citations are allowable could increase significantly the number of potential arrest situations where a citation could be used. As noted earlier, many of the most common misdemeanor offenses are excluded from citation eligibility.

Through efforts of the Coordinating Council and the MCC, other agencies began using citations during IMPAC. Most significant in this regard has been the use of citations by police officers at Western Michigan University, by the Public Safety Officer in the City of Kalamazoo, and by housing and public health inspectors. Authorization is also expected in the County for citation use by animal control officers, weight and measures inspectors, and public park officers. These new activities regarding citations reflect a growing commitment by members of the criminal justice system to develop the citation component to the point where a more significant impact on system resources can be realized. Further signifying this commitment, the Coordinating Council, at the April 1977 meeting, instructed the MCC to obtain feedback from local police officers regarding the citation form so that a subsequent printing of the form can be made. There is strong evidence that citations will have a growing significance in law enforcement activities in Kalamazoo. An increasing realization of their potential and a pressing need to make the best use of police resources should insure this.

## 5.0 COURT SUMMONS

Prior to IMPAC, the use of court summons in lieu of arrest warrants was formally limited to civil complaints. They were primarily used for building violations or citizen complaints against a corporation. The purpose of the court summons component, then, was to expand and unify the use of the summons to include criminal misdemeanors as well as civil cases. It was anticipated that this expansion would result in cost savings, as well as improved community service with respect to minor offenders.

During the early months of IMPAC, groundwork for the implementation of the summons component was begun. The major effort of the MCC in this regard was to examine the applicability of such a component in light of current practices of the District Courts. The MCC found little need or enthusiasm for the summons for a number of reasons. First, informal procedures used by the courts for citizen-based complaints already existed which permitted defendants to appear in court voluntarily, thus precluding the need for physical arrest. For instance, District Court 9-1 frequently utilized a mailed letter to inform a defendant that a complaint had been sworn and to direct the person to a court appearance. Non-appearance at a specified time would result in a police arrest. Similar procedures were used by the other District Courts. Secondly, some local judges were unenthusiastic about the summons concept because they saw it as potentially eliminating the collection of local criminal justice history data. Finally, there was resistance among some local prosecutors to the court summons because they felt widespread use of it would eliminate prosecutorial involvement in the screening and reviewing of ordinance violations--the bulk of their workload.

Despite these constraints, and because of the cost savings envisaged, the MCC and the Coordinating Council persisted in the

attempt to achieve some form of court summons implementation by dealing with some of the objections raised. A special committee was formed to develop model procedures and further investigate county-wide implementation. The MCC was somewhat successful in convincing the District Court judges that local criminal justice history information would not be lost should the summons be implemented.

Although substantial efforts were made to develop an interest and commitment to the court summons among the three court jurisdictions, little progress was made. Efforts to devise a unified form and procedures and to have them accepted were inhibited both by procedural differences in court-police relationships across jurisdictions in the county and by the low priority attached to the need for summons given the effectiveness of existing informal procedures. As of May, 1977, only one jurisdiction, Portage remained interested in implementation. The MCC, therefore, was working exclusively with the Portage Police Department and District Court 9-2 to develop summons procedures.

## 6.0 PRETRIAL RELEASE

Although a pretrial release program for felony defendants did in fact exist, there was no formal pretrial release screening procedure for misdemeanor defendants in Kalamazoo County prior to IMPAC. Although release on recognizance (ROR) by judges was prevalent within the county, and few people were detained prior to trial, actual pretrial release procedures varied considerably across jurisdictions. The pretrial release component was seen, therefore, as providing an opportunity to reduce these inconsistencies by making a uniform set of information available to judges for use in bond and release decisions.

Efforts to develop the pretrial component began in September 1975, when a judge, Chief Probation Officer of District Court 9-1 (City of Kalamazoo, and the MCC agreed to examine the pretrial situation in that court. Despite inconsistencies found in historical data concerning the number of misdemeanants regularly detained awaiting trial, this group's conclusion was that there was an apparent need for pretrial services for misdemeanants if only to improve the quality of information to the judges and to develop information useful for future pretrial planning. Furthermore to prevent duplication of efforts and to insure data consistency, it was decided that a pretrial interviewer would be hired to work in conjunction with the existing felony program (one pretrial interviewer); thus, complete coverage of the full range of criminal defendants would be achieved. Interviews would be provided for each of the three District Courts.

In March 1976, a pretrial interviewer was employed and given full-time responsibility for performing misdemeanor release investigations as well as investigations for misdemeanants requesting court-appointed counsel. (This latter responsibility supports a pilot project implemented in District Court 9-1 to check claims of

indigency prior to the granting or denial of requests for court-appointed counsel). After an initial orientation period to assess the information needs of the District Court judges, the misdemeanor and felony investigators jointly developed an interview sheet and recommendation form for use in their duties. These forms were developed after a trial period during which the original Vera forms were found partially inadequate.

The pretrial release component was operationalized on April 26, 1976 and was essentially patterned after the Vera Institute pretrial interviewing procedures.<sup>13</sup> Misdemeanor defendants were interviewed daily (except Sunday) prior to arraignment at the three lock-ups serving each District Court. The lock-up serving Portage was visited by the pretrial staff only on request because of the small number of defendants requiring service. The interviewer collected and attempted to verify information relating to the defendant's criminal history, residence, family ties, employment, and education. Release recommendations were based on a point system, again patterned after Vera. Three types of recommendations could be made to the judges:

- recommended and verified,
- qualified by unverified, and
- no recommendation.

To be recommended, a defendant must have had a sufficient point total on the interview scale and a Kalamazoo area address where he could be reached. Defendants with two felony convictions in the last five years or defendants out on personal bond for other criminal charges

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<sup>13</sup> For a description of the Vera criteria and procedures, see Fair Treatment of the Indigent: The Manhattan Bail Project, Programs in Criminal Justice Reform, Ten Year Report, 1961-1971, Vera Institute of Justice, Inc. (1972).

could not be recommended. Defendants released on the positive recommendation of the pretrial staff received follow-up contacts to remind them of pending court dates.

As expected by those who developed the grant and the MCC, the courts proved reluctant to see that pretrial services are uniformly provided to all defendants and that the information gathered is formally considered in making release decisions. District Court judges in the County and Portage generally saw little need for pretrial services since misdemeanor bonds were typically low (Michigan has a 10 percent bond law) and few defendants detained. Furthermore, defendants in these more rural jurisdictions were often known to judges; thus, the information made available by the pretrial interview was often seen as unnecessary in making release decisions. Finally, the presence of pretrial information and the recommendation represented threats to judicial discretion. During the IMPAC program, only District Court 9-1 (City of Kalamazoo) formally required that pretrial services be provided to misdemeanor defendants.

Data provided by the misdemeanor pretrial staff interviewer indicate that 449 interviews (41 per month) were conducted between April 29, 1976 and April 1977 (see Table IV). Of these, only 24 were for cases arraigned before District Courts 8 and 9-2. (between April - June 1976). During this time, these courts exclusively used bond for releasing defendants interviewed despite recommendations from the pretrial staff indicating that some were good risks for release on recognizance (ROR). As a result of this, pretrial services for these two courts were discontinued after June 1976, although it was made clear by the MCC and the pretrial interviewer that services were always available if desired.



TABLE IV  
PRETRIAL RECOMMENDATIONS TO DISTRICT COURT JUDGES  
KALAMAZOO

MONTH		DEFENDANTS INTERVIEWED	RECOMMENDED	QUALIFIED BUT UNVERIFIED	NOT RECOMMENDED				
1976	APRIL	127	50	19	58				
	MAY								
	JUNE								
	JULY					39	16	3	20
	AUGUST					38	16	6	16
	SEPTEMBER					40	19	7	14
	OCTOBER					32	16	6	10
	NOVEMBER					25	15	5	5
1977	DECEMBER	34	17	9	8				
	JANUARY	14	8	2	4				
	FEBRUARY	27	11	2	14				
	MARCH	33	23	3	7				
	APRIL	40	15	10	15				
TOTAL		449 (100%)	206 (46%)	72 (16%)	171 (38%)				

In terms of coverage, the pretrial staff interviewer was able to interview 449 of 759 non-traffic misdemeanor defendants detained in jail awaiting arraignment. The majority of those not interviewed were from Portage or the county where interviews were not routinely provided. Other defendants not interviewed included those released before an interview could be conducted (i.e., stationhouse bond).

Table IV provides a breakdown of the pretrial recommendations provided to the judges of the District Courts (except for 24 of these, all went to District Court 9-1) by the misdemeanor pretrial staff. In almost half (46 percent) of the cases the defendants were considered to be an excellent risk for ROR, that is, they were recommended and verified.

Table V compares the release decisions made by the District Court judges with the recommendations made as the result of the pretrial interviews. It should be noted that not all of the 449 defendants interviewed proceeded to a point at arraignment where a release decision could be made. Some defendants (155) pled guilty, had charges dropped against them, were diverted, or were not prosecuted, thus obviating the need for a judge to make a release decision. The remaining 283 defendants proceeded to arraignment and had release decisions made by the judge. Table V suggests that the information provided by the pretrial staff for these defendants had some, but not a dramatic, influence on the decisions of the 9-1 District Court judges. Approximately 42 percent of those defendants "recommended and verified" (60 of 144) and 38 percent of those "qualified but unverified" (23 of 60) were released on their own recognizance. In contrast, only 22 percent "not recommended" (18 out of 79) were released. Despite this, the data does indicate a general reluctance of the Court to rely heavily on the recommendations of the pretrial staff, especially for the 144 defendants who

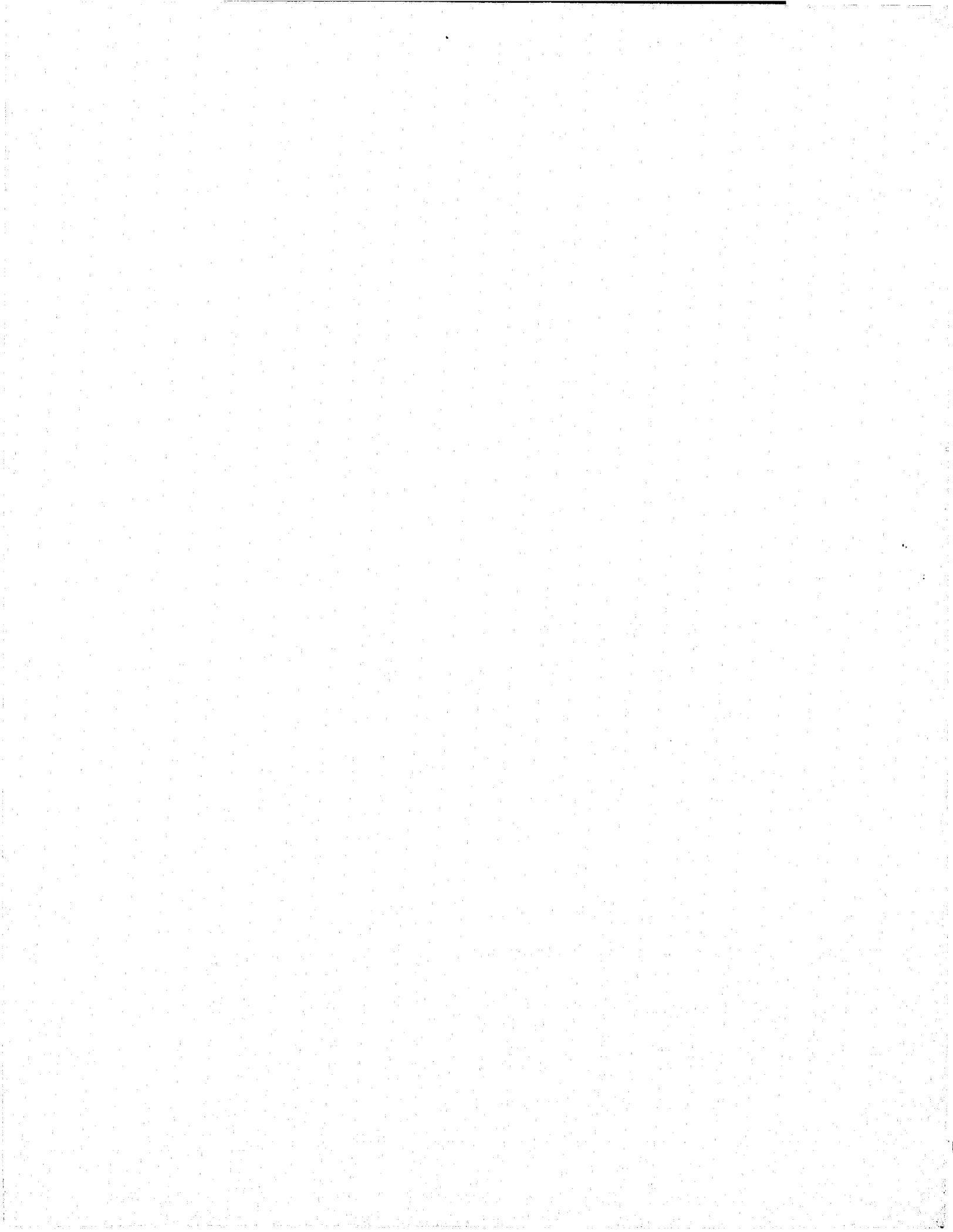


TABLE V

## RELEASE DECISIONS OF JUDGES COMPARED TO RECOMMENDATIONS OF PRETRIAL INTERVIEWER

PRETRIAL INTERVIEW RECOMMENDATION N=449	NO DECISION <sup>1</sup>	RECOMMENDED (144)			QUALIFIED BUT UNVERIFIED (60)			NOT RECOMMENDED (79)		
JUDICIAL RELEASE DECISION		ROR BOND JAIL			ROR BOND JAIL			ROR BOND JAIL		
MONTH										
1976										
APRIL-MAY-JUNE	37	17	20	-	5	7	-	5	34	2
JULY	12	7	4	4	-	11	-	1	-	-
AUGUST	17	2	9	1	1	3	-	3	2	-
SEPTEMBER	20	4	7	3	2	2	-	-	2	-
OCTOBER	14	4	7	-	3	-	-	2	2	-
NOVEMBER	10	6	4	-	2	1	-	1	1	-
DECEMBER	11	8	3	-	4	3	-	1	4	-
1977										
JANUARY	7	-	3	-	-	2	-	-	2	-
FEBRUARY	8	5	2	-	2	2	-	3	5	-
MARCH	15	4	13	-	-	-	-	1	-	-
APRIL	15	3	4	-	4	6	-	1	7	-
TOTAL	166	60	76	8	23	37	-	18	59	2
		42%	52%	6%	38%	62%	-	23%	75%	3%

<sup>1</sup> NO DECISION BECAUSE DEFENDANT HAD CHARGES DROPPED, PLED GUILTY AT ARRAIGNMENT, OR REFERRED TO CITIZENS PROMOTION AUTHORITY.

were recommended and verified as good risks. The 42 percent rate of judicial acceptance of favorable pretrial recommendations does not compare favorably with most existing programs in other jurisdictions where an 80 percent rate or better is usually achieved. Apparently District Court judges tend to prefer low money bonds as they are seen as not presenting an economic hardship to most defendants. Table V does not, however, rule out the possibility that the information provided by the pretrial release staff was valuable in setting fairer, more consistent, and/or lower bonds. Unfortunately data was not collected in this regard.

Savings from implementation of a misdemeanor pretrial release component were viewed in the Kalamazoo IMPAC proposal as resulting from a decrease in the number of incarcerated defendants pending trial. To determine savings on this basis, estimates of the number of defendants spared incarceration as a result of judges decisions to ROR (based on the recommendation of the pretrial interview) must be made. The evidence suggests, however, that ROR was not effective in securing the release of any more defendants than would have been released on money bail or informal ROR. The data indicate that pretrial recommendations were not heavily influential in determining judges release decisions. In fact of the 10 defendants interviewed and jailed, eight had been recommended for release.

Most defendants recommended for ROR by the pretrial staff would not have been incarcerated regardless of the pretrial program - most would have been released on bond or ROR'd anyway. For defendants for whom bond is set, the 10 percent bond option and a judicial willingness to set bond with "the ability to pay" in mind results in the incarceration of very few for the inability to post bond. Pretrial staff data indicates only 46 non-traffic misdemeanants jailed during a 12 month period (April 1976 - April 1977) either unable or unwilling to post bond.

Even assuming that all 60 defendants recommended and released would have been detained (it is more likely that all would have been released anyway), cost savings from detention would have been less than \$5,000, given an average detention of six days at a cost of \$14/day. In sum, there is no evidence that the pretrial program resulted in savings in detention costs.

While cost savings as a result of the pretrial component were not realized, the reliability of the interview instrument used by the pretrial staff in identifying good risks has been somewhat impressive. Since the start of pretrial interviews, no defendants recommended for ROR have failed to appear for their scheduled court appearance and only 2 "recommended" defendants were rearrested while on ROR status. Additionally, the program did, as intended, extend pretrial interview services to almost all misdemeanants in jail awaiting arraignment. Of course, defendants served by District Courts 9-2 and 8 were not interviewed because judges in these courts made no use of pretrial recommendations.

The lack of judicial enthusiasm and response to the availability of pretrial interview information and little perceived need for the service by judges contributed significantly to the decision by the MCC and the Coordinating Council in March 1977 not to continue formal pretrial release services for misdemeanants and not to seek further funding. The Council was convinced that the pretrial information derived was superfluous and that the occasional need for pretrial services for misdemeanants could be met by the felony pretrial interviewer.

Thus, although the pretrial component in Kalamazoo was operationally sound--providing rapid and extensive interview coverage and demonstrating the validity of its recommendations with a low FTA

rate--it never was able to demonstrate any particular utility to the judges. Both informal ROR and money bail had proved themselves adequate methods in the past for the release of misdemeanor defendants. In this sense formal pretrial interviews of misdemeanor defendants were not needed in Kalamazoo County.

## 7.0 CASE SCREENING

In Kalamazoo County, prior to IMPAC, some form of misdemeanor case screening was conducted by each of the city attorney's offices (Portage and Kalamazoo) and by the County Prosecutor's Office. In fact, in 1974 the County Prosecutor's Office, which handles the bulk of the misdemeanor cases in the county, created a special "Screening and Plea Negotiations Unit." Screening out all citizen and police complaints that either did not require attorney time or were not fully prepared was among this unit's function.

Because establishing a screening project per se was not a priority of the IMPAC program, the case screening component was intended instead to address problems in the uniformity of charging decisions across prosecutorial jurisdictions rather than difficulties more directly associated with the absence of screening practices and procedures. The grant application plan for this component was to develop a uniform charging manual for use by the various prosecutorial agencies in the county. It was argued that inconsistencies in charging policies, especially among city attorneys and county prosecutors, resulted in inequalities for defendants committing essentially the same acts. The charging manual was seen as a solution to this problem.

Efforts both to develop a charging manual and to examine the screening and charging processes of prosecutorial agencies were directed by a screening subcommittee appointed by the Coordinating Council in October 1975. At this subcommittee's first meeting, the MCC provided members with documents and forms regarding the current procedures of those offices in the county handling requests for prosecution from both citizens and police officers. Copies of national

studies regarding charging were also provided to assist in the examination of county practices and articulation of methods to further develop component goals.

By December the screening subcommittee members informed the MCC of two decisions resulting from their study of the screening situation. First they felt that it was not necessary to develop the uniform charging manual which had been outlined in the IMPAC grant application. Instead, a police charging manual was suggested. This manual would provide basic information about specific elements of misdemeanor crimes to police that would assist in making proper charges. To further explore this suggestion, a special three-person committee was designated.

The second decision made by the screening subcommittee was that there was a need for a common warrant request and disposition form for use by all prosecutorial agencies in the county. With the MCC, the members developed a warrant request form modeled after the one used by the County Prosecutor's Office. This form was to address several problems identified by the screening subcommittee during their deliberations. First, comparable data regarding the intake stage for misdemeanors was nonexistent. The common form to be used would greatly facilitate the collection of comparable categories of data; warrant authorization rates, reasons for denial, and offense profiles would now be available on a county-wide basis for program planning and evaluation. Second, the use of the new form would allow prosecutors to report to police officers, witnesses, or victims information regarding prosecutorial decisions including specific rationales for these decisions. Third, the form would assist prosecutors in tracking the development of a case sent back to a police department for further investigation. Relying upon the information noted on the form, prosecuting attorneys could then be specific in their

inquiries to police regarding missing elements of a case. Because of these advantages the form was adopted by all prosecutorial agencies in the County of July 1976 (see Appendix II).

Finally, the process of developing the unified warrant request and disposition form paved the way for resolving still another problem in the handling of misdemeanants across prosecutorial jurisdictions. As previously discussed (see Section 2.3), interjurisdictional differences in the charges associated with shoplifting had meant that misdemeanants charged by the County Prosecutor's Office had an opportunity for deferred prosecution through the Citizen's Probation Authority (CPA); this was not an option for defendants prosecuted in the City of Kalamazoo. Through the efforts of the screening subcommittee, linkages between the Kalamazoo City Attorney and the County Prosecutor's Office were established to eliminate the differential treatment afforded shoplifters. In April 1976, the City Attorney began reviewing shoplifting cases referred to his office and referring those eligible for CPA to the County Prosecutor's Office via the warrant request and disposition forms. The intent of this policy was also conveyed to Kalamazoo City police officers who now go directly to the County Prosecutor's Office to obtain warrants for persons accused of shoplifting.

As of July 1976 the unified warrant request form was being used by all prosecutorial agencies in the County. By the end of March 1976, the screening subcommittee had decided to develop a police charging manual primarily to upgrade the legal sufficiency and competency of charges filed through the police. It had originally been decided that police and prosecutorial needs could best be met by contracting on a sole-source basis for the development of the charging manual. However, county regulations precluded the sole-source approach, delaying the development of the manual until an RFP could be

prepared and a contractor selected. During the delay period, a prosecuting attorney resigned and thus became eligible to compete for the contract. In August 1976, this attorney was selected from a pool of respondents to develop the manual. A first draft of the manual has been completed and has been delivered to the Council for review and preparations for printing. It is expected that the manual will be printed and distributed for use by police as of August 1977.

The activities of the screening subcommittee have been instrumental in the move to bring about greater consistency in the handling of misdemeanants in Kalamazoo County and to develop interjurisdictional data on misdemeanor charging. One example has been the newly developed capability to collect from the warrant request and disposition form uniform data about the prosecutorial intake of offenders charged with misdemeanors. The MCC has been able to compile information about charges filed with the County Prosecutor's Office during 1976. For example, the data presented in Table VI allowed the MCC to examine the misdemeanor warrant authorization rate for charges filed with the three prosecutorial agencies in the County. Furthermore, for those warrants denied, the reasons for denial were now available. The information regarding the rate of warrant authorization in Table VI (55 percent, or 1324 of the 2404 requests) is valuable because it will allow future changes in the charging and intake process to be assessed on the basis of baseline data. The existence of data concerning reasons for warrant denials is perhaps even more valuable as it will allow the pinpointing of problems which detract from the effectiveness and the efficiency of the charging process. For example, the data displayed in Table VI indicate that significant numbers of warrant denials (about 23 percent) were possibly due to police charging problems--either "no crime" (16.1 percent) or "insufficient proof of the identification" of the

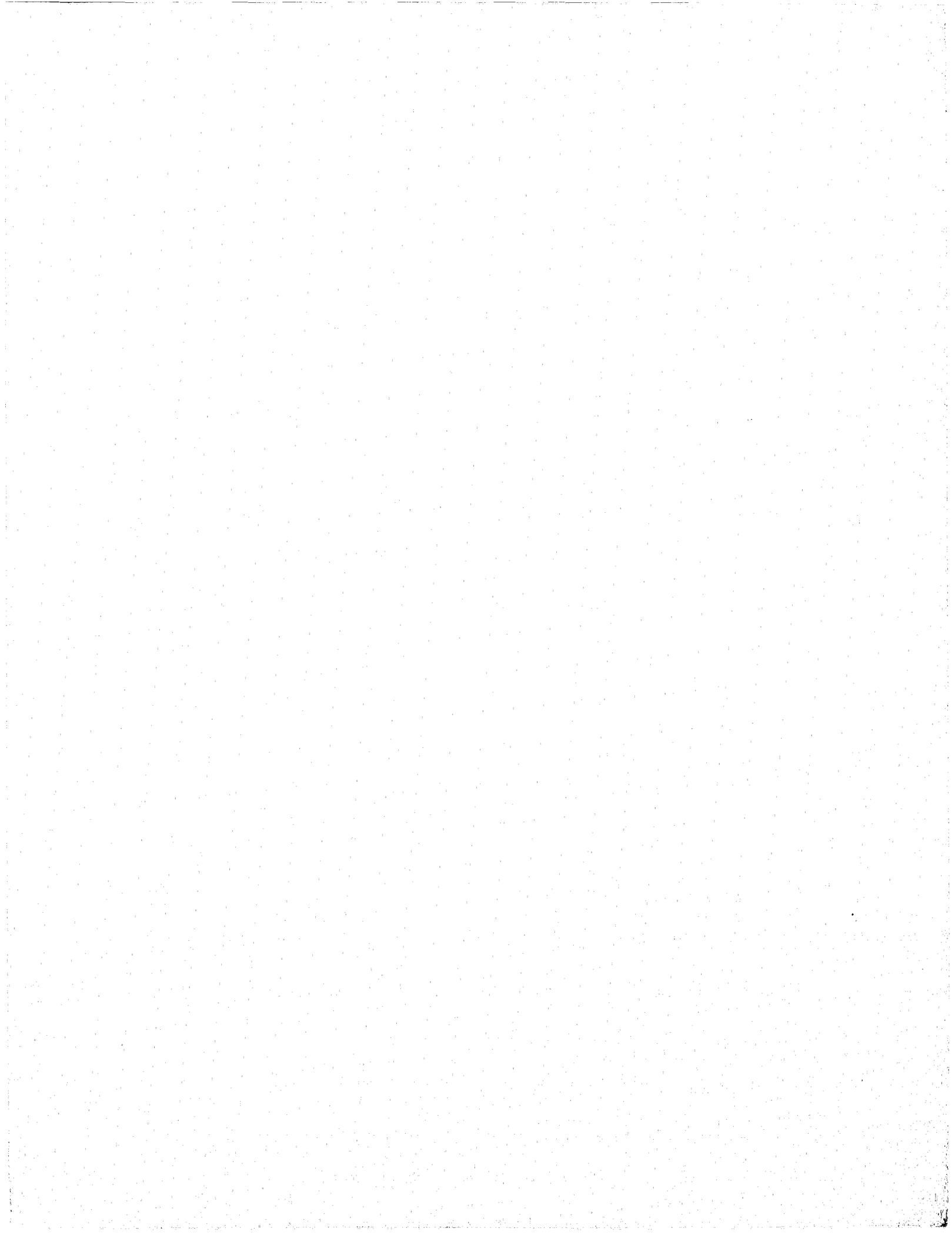


TABLE VI

WARRANT REQUESTS AND REASONS FOR DENIALS  
KALAMAZOO COUNTY  
1976

	WARRANT REQUEST DISPOSITIONS	
	NUMBER	PERCENT
AUTHORIZED	1324	55.1
OTHER	173	7.2
DENIED	907	37.7
TOTAL	2404	100%

	REASONS FOR WARRANT DENIALS	
	NUMBER	PERCENT
● NO CRIME	146	16.1
● INSUFFICIENT PROOF OF IDENTIFICATION	61	6.7
● PROSECUTION NOT DESIRED BY COMPLAINANT	21	2.3
● COMPLAINANT MUST BE INTERVIEWED	68	7.5
● OTHER CHARGES PENDING	16	1.8
● INSUFFICIENT LETTER SENT	22	2.4
● OTHER/NO INFORMATION <sup>2</sup>	573	63.2
TOTAL	907	100%

<sup>1</sup>INCLUDES DATA FROM PORTAGE CITY ATTORNEY, KALAMAZOO CITY ATTORNEY, AND KALAMAZOO COUNTY PROSECUTOR COLLECTED BY THE MCC.

<sup>2</sup>INCLUDES CATEGORIES: REFERRED TO OTHER AGENCY, CITIZENS PROBATION AUTHORITY, FURTHER INVESTIGATION, 5 DAY COOLING OFF, AND "OTHER."

alleged defendant (6.7 percent). This data lends support to the decision by the Coordinating Council to develop a police charging manual. On the other hand, the fact that a large number of warrant denials still go unexplained on the warrant request form (63 percent of the denials had "other" or "no information" cited as a reason for warrant denial), has indicated to the Council and the MCC that further work is needed to ensure that reasons for denials are completely and accurately recorded.

The police charging manual has still to be published and thus its utility and effectiveness cannot yet be assessed. The screening subcommittee may be the largest success of the case screening component. This committee, with representatives of all the involved prosecutorial agencies, has set the stage for future improvement efforts to assist law enforcement and prosecutorial agencies in achieving uniformity in agency charging policy. The subcommittee has continued to show an interest in this goal as it has expanded its area of concern to other phases of the charging process. The examination of prosecutorial intake procedures and plea bargaining policies are among the most significant of those issues still being addressed. However, at this time it remains to be seen whether these interagency coordination efforts will result in any long-term impact on the processing of misdemeanants in the county.

## 8.0 PROMIS

The Kalamazoo grant application indicated that the County Prosecutor's Office was "developing" an automated PROMIS at the felony level when ILCCH was being considered. Expansion to misdemeanors was seen as a "natural evolution" of the system likely to coincide with the implementation of the felony aspect of the system. The management capabilities inherent in PROMIS were clearly recognized. By using standard forms to collect case information, greater consistency and uniformity in the handling of cases and in the collection of prosecutorial and court data could be achieved. Additionally, PROMIS seemed to offer the means for assessing and analyzing data needed to manage more effectively the offices of the County Prosecutor and Kalamazoo City Attorney.

By the time of grant approval, it was already decided that some version of PROMIS would be designed and implemented to enable the County Prosecutor's Office to improve its ability to collect and utilize information for management decisions. The LEAA also had decided to allow ILCCH program funds to be used for the development of PROMIS rather than a Career Criminal program grant despite the fact that the system deal with both felony and misdemeanor cases as well as the local ordinances of the City Attorney's Office. Assistance from INSLAW in October 1975 was obtained to analyze the cost and functional alternatives of PROMIS for both the County Prosecutor's and the City Attorney's Office.

Following the INSLAW visit, the design and implementation of PROMIS proceeded on two fronts--the County Prosecutor's Office and the City Attorney's Office. The County Prosecutor's Office decided to implement a semi-automated system which would adopt many of the features of the formal PROMIS model. The City Attorney's Office

decided to develop a manual system, adopting forms compatible with the County's, for eventual integration into a centralized information system for the entire County. Furthermore, it was clear that the system in both offices would at first be restricted to prosecutorial information. Once the system was operational, its capabilities would be expanded to meet the needs of other agencies of the criminal justice system. According to the County Prosecutor Administrator these decisions reflected a number of concerns; foremost among these were economic considerations and previous negative experiences in Michigan with data systems. For the County Prosecutor's Office, the most immediate need was for those aspects of PROMIS which could improve day-to-day prosecutorial functioning, including the Office's word processing capabilities in regard to witness notification and subpoena preparation. Also of concern was the computerization of case information to automate the preparation of management reports (i.e., caseloads for prosecutors, cases pending, cases by event, etc.). Other PROMIS features, such as case weighting, scheduling, and complete criminal history files for all cases were of lesser priority and not scheduled for implementation during IMPAC.

To support these goals, a budgetary adjustment was made in March 1976 to the IMPAC grant to enable the rental of information processing equipment by the County Prosecutor's Office which could be adapted to serve both the desired data and word processing functions. Following the delivery of this equipment in June 1976, personnel were trained in data preparation, field preparation, and information retrieval modes of operation. In addition, various case processing events were assigned unique codes for data input. Data entry screens were also designed and keying was initiated by mid-July.

Programming services were contracted for in July to assist in developing the specifications for an in-house PROMIS program. By

late July, dummy data were being entered into the system and tests conducted to identify possible system "bugs."

By the fall of 1976, a series of new forms for the County Prosecutor's Office as well as a restructuring of case files was begun by a systems analyst hired to implement and work with the PROMIS system. By January 1977, debugging was completed and modifications to the PROMIS computer programs were also completed. Entry of cases files did not begin until March 1977 as existing case files had to be purged, judges had to be encouraged to use special case event documentation forms, and prosecutors instructed to accurately and completely record pertinent case information.

During the August 1976 - January 1977 period, the City Attorney's Office and the County Prosecutor's Office agreed to establish a linkage to allow for the integration of the City Attorney's manual system and the County's semi-automated system. It was agreed that copies of the City's Warrant Request and Disposition forms and court minutes associated with City cases would be inputs for the County's automated system. This data would then be available on an on-line basis to the City Attorney's Office. Additionally, monthly reports generated by PROMIS were planned to be made available to the City Attorney's Office when data generation began.

As of May 1977, the County Prosecutor's Office was still in the process of entering existing case files into the system. In sum, the task proved to be more time-consuming than originally thought, and full implementation of PROMIS has been delayed beyond the termination of the IMPAC program in June. Local funding, however, will insure the completion of all scheduled activities. Operational use of the system is expected by late summer, 1977.

Planning and various analyses undertaken in support of PROMIS have drawn attention to problems in the prosecution of misdemeanor cases--notably the witness notification procedures of the District Courts. At the request of the Coordinating Council and after an examination of procedures by the MCC's staff assistant, it was decided that witness management problems confronted during PROMIS planning should be addressed as part of the PROMIS implementation. Thus, a number of initiatives have been taken and some significant changes have occurred as a result of the IMPAC program. In the County Prosecutor's Office, responsibility for issuing subpoenas has been centralized, procedures have been streamlined, and provisions for automatic subpoena issuance (through PROMIS) is well underway. A new subpoena/witness form has also been adopted which provides the capability for informing witnesses of case adjournments.

The MCC developed a witness notification brochure to accompany subpoenas which allows witnesses a better understanding of their role and what to expect when they report to court. These brochures have been highly praised by witnesses and judges alike. Even more highly regarded has been the automatic witness adjournment notification systems implemented in District Courts 9-1 and 9-2. Heretofore, in Kalamazoo District Courts it was no uncommon for witnesses, including police officers, to show up for court proceedings only to find out that cases had been adjourned or rescheduled. A study examining the 9-1 District Court in February 1977 provided a good indication of the severity of this problem. During this month, there were 67 adjournments and dismissals in Court 9-1 for statute misdemeanors. Forty-three of these cases (involving 136 witnesses, 83 civilians and 53 police officers) were not adjourned early enough to prevent the issuance of subpoenas and, thus, many unnecessary appearances occurred.

To address the problem of these unnecessary court appearances, a new adjournment notification system began in March 1977. Witnesses were instructed, through the subpoena process, to call in the evening before their scheduled court date to determine if they need appear or if their court appearance had been rescheduled. A pre-recorded message tape system now provides this information. Judges from District Courts 9-1 and 9-2 have been enthusiastic about the performance of the new system and have commonly cited it as among the most significant improvements directly attributable to IMPAC. The system has also been the subject of local press coverage in which it was hailed as a significant improvement likely to "save Kalamazoo County's lower courts \$500,000 a year."<sup>14</sup> Data collected from April 11 through May 24, 1977 in Court 9-1 indicate that 106-1/2 witness days may have been saved as a result of the telephone notification system. The dollar savings estimated from this figure is approximately \$2,800 or about \$85 per day over 33 court days (extrapolated to a yearly basis, this would give about \$23,000), indicating somewhat less of a savings potential than the press estimate.<sup>15</sup> Less direct or intangible benefits such as lost wages saved, better court-community/police-court relations, and improved witness cooperation, however, are also significant in assessing the system's value.

Also as a result of the Coordinating Council's and MCC efforts to improve witness management in the lower courts, a Witness Coordinator was directed to conduct an analysis of District Court witness management, including subpoena procedures and physical facilities for witnesses to provide the Council with additional

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<sup>14</sup>The Kalamazoo Gazette, March 20, 1977.

<sup>15</sup>The \$2,800 estimate includes witness fees, mileage, and police pay.

proposals for improvement. Furthermore, the Witness Coordinator has worked closely with District Court 9-1 to assist in subpoena management and to coordinate the recording of adjournment notification tapes for the new telephone system. Through the Witness Coordinator's efforts a number of problems have been identified and presented to the Coordinating Council for consideration. The value of these efforts is indicated by the Coordinating Council's decision to seek funding from the LEAA block grant program for the continuation of the work. This funding has been obtained and the Coordinator's efforts will continue.

It appears that, although PROMIS has yet to be operationalized, efforts to do so have resulted in a number of valuable system benefits. Prosecutor Office operating procedures have been scrutinized; new forms have been developed; the flow of information between the courts and the Prosecutor's Office has been improved; linkages between the City Attorney's and County Prosecutor's Office have been established; and, a number of witness management problems have been identified with some significant improvements resulting from the examination. Expectations at the County Prosecutor's Office with regard to PROMIS appear to be high despite the slow progress of system implementation. Indications of PROMIS' utility to the County Prosecutor and its overall impact on the criminal justice system needs to be re-examined in the future to assess the success of Kalamazoo's method of implementation and the applicability of the system to jurisdictions of Kalamazoo's size.

## 9.0 SHORT FORM PRESENTENCE INVESTIGATION REPORTS

Implementation of a county-wide short form presentence investigation(PSI) report in Kalamazoo was not accomplished during the IMPAC program period. Both a general lack of enthusiasm for this component and the inability to develop a form acceptable to all those involved appear to have been the major elements which precluded the revamping and development of either a uniform form or uniform PSI procedures county-wide.

Prior to the inception of IMPAC, presentence investigations were conducted for misdemeanants in District Courts using an existing "semi-short" form. The infrequent use of this form and the lack of consistency in its usage were considered problematic and would be addressed by IMPAC. Because county-wide consistency was seen as the primary goal of the PSI component, it was decided that unlike some of the other components, development of the short form PSI report should be in cooperation with the judges and probation staff of all three District Courts in the County. Dissatisfactions were voiced during pre-grant meetings about the length of time needed to read the existing form, unevenness in its preparation, and the lack of criteria and decision rules governing requests for PSI's. To address these concerns, component implementation plans included an analysis of the information needs of the judiciary, to be done prior to developing a new short-form report.

Efforts to conduct this analysis began in the fall of 1975. A questionnaire was prepared and distributed to the District Court judges to elicit their needs for presentencing information. Based on the results of that questionnaire, the existing form was modified by the MCC with the expectation that it would be printed and implemented following approval by the judges.

Before obtaining judicial approval, however, the Chief Probation Officer of the 9th District Courts, not completely satisfied with the modified form, met with the local evaluators to discuss the proposed form and its use by the District Court judges. A decision was made to conduct a second judicial survey to further identify, in a more systematic fashion, the information needs of the judiciary. This decision set the stage for the involvement of the local evaluators in the planning and implementation of the short form PSI report.

The survey undertaken by the local evaluators was designed to identify those information items judges and allied court personnel felt were essential for making sentencing decisions. To obtain this information, the local evaluators selected several hypothetical cases and 41 pieces of information. Forty-one sequential rankings were made, based on the level of confidence the judge would have making a sentencing decision based on the available pieces of information. Information was added piece by piece, and a new ranking was required after each addition. This procedure was apparently time-consuming and unclearly explained, according to the reported reactions of the judicial personnel in the feedback received by the MCC. Indeed, in some cases, judges were offended by the approach of the evaluators.

Once the survey was completed and results documented, responsibility for using these results and developing the new form shifted back to the Probation Office, now headed by a new Chief Probation Officer. (In the interim, the previous Chief Probation Officer had resigned and one of the probation officers had been promoted to fill the vacancy).

Some differences in opinion then surfaced among the Chief Probation Officer, the local evaluators, the MCC, and the judges regarding the purposes of the form and the deficiencies of current

practices. According to the Chief Probation Officer, problems with the existing form could be remedied by training investigators to express themselves more succinctly and in a fashion more consistent with one another. This view argued against a form whose structure would dictate the exclusion of subjective assessments and interpretations of the defendant's motives, and of his potential for success under different treatment modalities.

At this time (October, 1976), the local evaluators were dismissed after nine months of work by the Coordinating Council (at the recommendation of the MCC). The focus and priorities of their efforts, difficulties with local officials (police and judges), and a general dissatisfaction with the quality of the work led to this decision. To replace the local evaluators, a data collector was employed to assist the MCC.

The new Chief Probation Officer then designed a short form PSI report solely for the District Court 9-1 Probation Department; this form mostly ignored the results of the previous surveys. Procedures for the new form mandated that the presentence investigators gather both sentencing and treatment data. The form invoked immediate controversy, however, because the probation officers insisted on collecting their own client treatment data. Given internal disputes within the 9-1 Probation Department, the MCC and the Council took the position of refusing to expend IMPAC funds for a new form until consensus was reached.

In February, 1977, the MCC resigned his position leaving a number of component implementation tasks (the police charging manual, PSI reports, and summons) uncompleted. To complete this work the Council appointed the MCC's Administrative Assistant, Cheryl Bosma, as Acting MCC. Before the MCC left, however, he instituted a

self-monitoring, management system for each component director which set goals, operationalized these goals into specific tasks, and set dates for the completion of the tasks. For the short form PSI report, the MCC involved two probation officers in a final attempt to produce a new PSI report satisfactory to the Chief Probation Officer, the rest of the Probation Department, and the District Court 9-1 judges.

As of May 1977, no progress had been made in the development of a new form by these two officers. Although the MCC had expended much effort, few results were achieved. There were a number of factors which hindered the development of a county-wide PSI report. Perhaps, paramount among them was that a new PSI report was not a priority among judges. Although they were ready to accept a new form if it met their information needs, they provided no initiative and were not committed to the project. Given judicial indifference, a number of other factors--the initial, alienating efforts of the local evaluators; turnover of the Chief Probation Officer position; and internal disputes within the Probation Department regarding job functions and presentence procedures--conspired against the necessary consensus. Thus, IMPAC was able to achieve no improvement, county-wide or local, in this area.

## 10.0 SELECT OFFENDER PROBATION

### 10.1 Component Development

As originally conceived, the select offender probation (SOP) component held attractions for both the judiciary and probation department of District Court 9-1 (City of Kalamazoo). It would provide a fourth sentencing alternative for the judges and add diversity to the probation department. Prior to SOP, District Court judges had only three options available to them when making sentencing decisions for misdemeanants: incarceration, probation, or a combination of the two. Intensive supervised probation was not an established alternative. The probation department was facing an enlarging misdemeanor offender population and inadequate staff resources to meet the increase. By representing a new alternative for the judges and a specialized program for the probation department, SOP had the potential to satisfy multi-agency needs.

The grant application laid out a very specific plan for the SOP component. The SOP was to target District Court 9-1. A working subcommittee was to be developed to assume responsibility for all phases of component development and planning, a process expected to take six months. A system was to be devised, based on existing evaluation scales and models, to select the best candidates for the program. The entire program would consist of one experienced probation officer who would have a caseload of 15 clients--considerably less than the existing probation department caseload of 140 clients per officer.<sup>16</sup> Treatment, which would be tailored to each individual client, would involve both individual and group counseling.

As previously discussed (Section 3.2) one subcommittee was formed to do the preliminary planning for the pretrial release,

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<sup>16</sup> This caseload was later revised to 25 clients.

short-form presentence report and the SOP component. The subcommittee was composed of three members--the City Probation Officer, a judge from the District Court 9-1, and the MCC. During the initial months, this group identified problem areas, including potential difficulties with collecting client information needed to select a caseload. By January 1976, a study of the caseload of the City Probation Office was completed and steps were taken to develop policies which would insure that the SOP officer did not become overworked. The Chief Probation Officer was given complete responsibility for the hiring of the new staff person. At this point, it was thought that SOP would hire a person to replace a more experienced probation officer, who would, in turn, become the SOP officer.

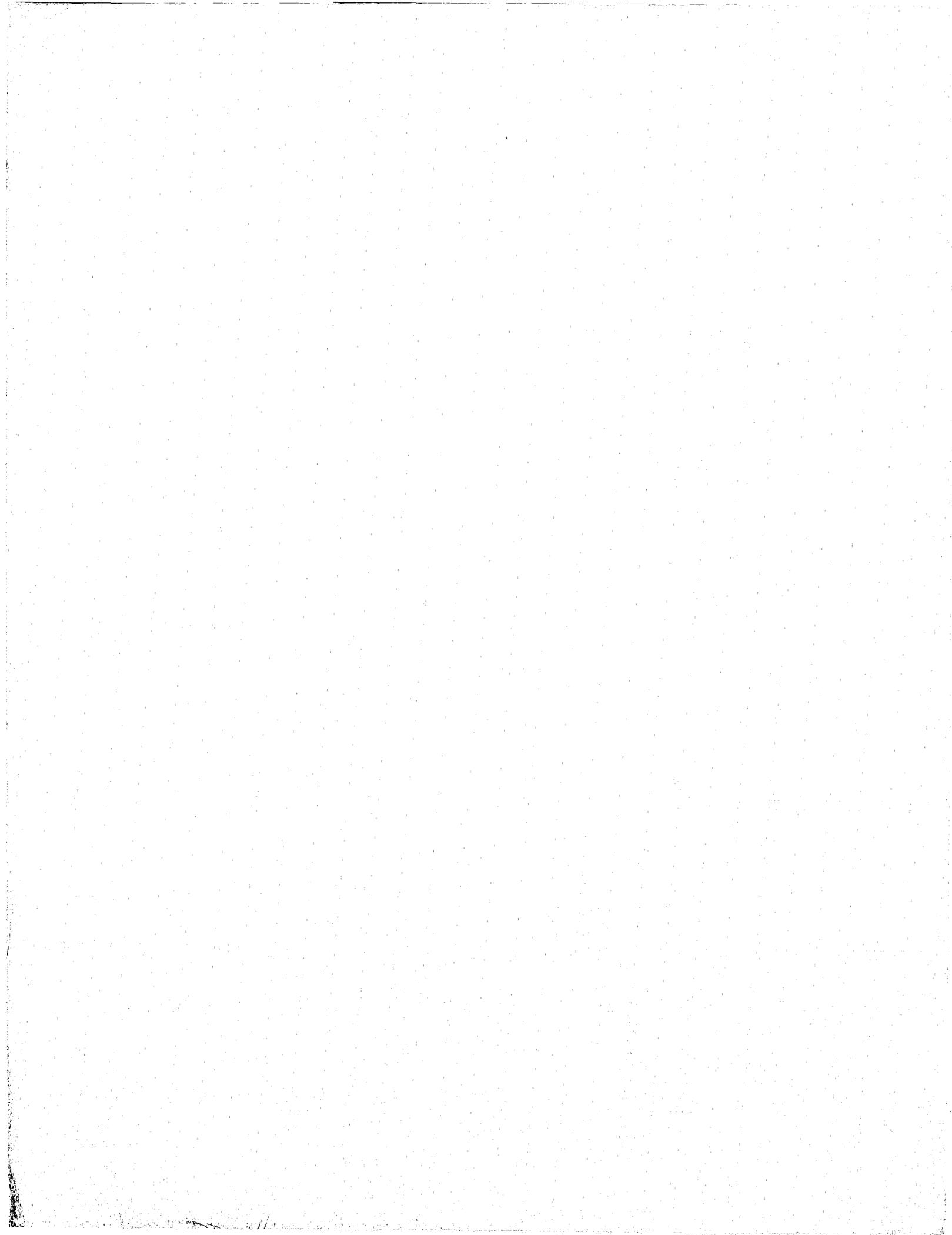
Due to the number (over 100) and high caliber of applicants applying for the position, the original intent of replacing an experienced probation officer with a new hiree was abandoned. The new staff member was hired directly to fill the position of SOP officer. Although the SOP officer worked under the organizational guidance of the existing probation department, she was an IMPAC employee and was directly responsible to the MCC for component implementation and operations. The SOP officer, an experienced rehabilitation counselor, began work on April 5, 1976.

The task of developing selection criteria for admission to the program and guidelines and directives for the counseling component, was given to the new SOP officer working in conjunction with both the MCC and the Chief Probation Officer. They decided that participants in the select offender probation program would come from a "high risk" group of offenders, that is, those defendants whose presentence investigation reports recommended a combination of jail and probation. (Defendants with presentence recommendations of only

jail or only probation would not be considered.) Additionally, defendants could be eligible for SOP if a sentencing recommendation was not included in the report. Using a list of sentencing criteria gathered from three existing sources--PROMIS, Vera-Manhattan, and the California base-expectancy scale, as well as those criteria used by existing probation and presentence personnel--past presentence reports conducted for misdemeanants were systematically and objectively scored. Using these scores and the knowledge of the sentencing recommendations made for each case, a numerical range was determined for which defendants would be classified as "high-risk". Thus, in order to qualify for SOP, a defendant's presentence score was required to fall within the predetermined "high-risk" range. These selection criteria were accepted by the judges of District Court 9-1.

The counseling approach adopted by the SOP component was patterned after the human resource development technique of Dr. Robert Carkhuff. The Carkhuff technique is designed to develop learning, working, and living skills, "through intensive counseling and individual goal setting." Actual training takes place via both individual and group meetings with clients and counselors. In these training sessions, the counselors teach a variety of skills to develop self-awareness of individual problems. Group meetings, of one hour or more twice a week, concentrate on vocational and interpersonal areas of concern; individual hourly sessions every other week are focused on the particular needs of a client.

Selection of clients for the SOP caseload began in early June 1976. Thirty-three clients were accepted between June 1976 and May 1977. Clients were selected for participation in one of two ways. The most common method of placement was by recommendations made through the presentence investigations ordered by the judges.



**CONTINUED**

**1 OF 2**

Presentence investigators, while conducting their standard interview, rated offenders in terms of the SOP criteria to determine if they fell within the predetermined "high risk" offender range. Information used in this determination included:

- An assessment of the offense,
- Criminal history,
- Previous probation activities and performance,
- Employment/academic performance, and
- Other behavior indicators (drugs, alcohol, mental health, etc.).

Once a "high risk" determination was made, offenders were referred to the SOP officer for a personal interview to further assess the offender regarding interpersonal skills, juvenile offense history, family relationships, and personal motivation. Following this interview, offenders were evaluated jointly by the SOP officer, the presentence investigator, and the Chief Probation Officer to determine final eligibility status. If the offender was found to be eligible, a favorable recommendation to the judge was made in the presentence report. Approval, then, was required by the sentencing judge. Of thirty-three clients accepted to SOP as of May 1977, 27 were admitted to the caseload by this method. A small number (6 of 33) of clients accepted into the SOP caseload were transferred from the regular 9-1 District Court probation caseload.

The 33 clients accepted by SOP as of May 1977 represented all offenders who met the criteria for the program during the component operations. This 33 compares to approximately 160 misdemeanants estimated to have been sentenced to probation in District Court 9-1 over the same period of time. Offenders placed on SOP typically had probation terms between 6 months and 2 years. During the period between June 1976 and May 1977, six clients left the program - four as a result of successful completion and two for probation violations. Although 33 clients were, in fact, served by the SOP, assessment

of this component focused only on those 26 clients who had been in the program for at least three months as of May 31, 1977. Table VII provides a review of this group in terms of a number of personal characteristics. As shown, the typical client was a young adult (about 25), a white man (65 percent), unemployed (50 percent), a high school graduate (35 percent) or dropout (38 percent), and with a very low average yearly income (\$2038).

## 10.2 Results

A comparison group for assessing SOP treatment performance was selected by the SOP officer. This group consisted of thirty offenders who scored immediately below the required "high risk" score of the program but would have filled additional slots had they been available. Data collected for this group, however, indicate that it was not an appropriate group for comparative purposes. First, the two groups (the SOP "experimental group" and the comparison group) differed significantly along a number of characteristics including, the nature of the current offense, age, sentence, and criminal history. But also, the relatively small pool of potential offenders from which SOP clients were selected and the highly discriminating process used to make these selections automatically rendered the comparability of any control group problematic. Because of this, the assessment of the effectiveness of the component was limited to a pre-treatment/treatment period comparison.

The 26 SOP clients had a total of 97 previous arrests, including both felonies and misdemeanors, for an average of 3.7 arrests per person. Table VIII lists these arrests by type and indicates that traffic-related offenses comprised the largest portion (41.2 percent) with drug and alcohol (14.4 percent), larceny (10.3 percent), and assault (9.3 percent) offenses constituting the most frequent non-traffic arrests. Table IX lists those offenses for which clients

TABLE VII

CHARACTERISTICS OF THE SOP CASeload  
JUNE 1976 - MAY 1977

N=26

AGE	N	%	RACE/SEX	N	%	EDUCATION	N	%	EMPLOYMENT	N	%	INCOME	N	%
18-19	6	23.1	WHITE/MALE	17	65.5	HIGH SCHOOL	9	34.6	STUDENT	3	11.5	10,000 OR ABOVE	1	3.8
20-21	5	19.2	WHITE/FEMALE	3	11.5	VOC. ED.	1	3.8	EMPLOYED P/T	6	23.0	6,000 - 9,999	1	3.8
22-23	4	15.4	BLACK/MALE	3	11.5	COLLEGE	4	15.4	EMPLOYED P/T	4	15.4	2,000 - 5,999	5	19.2
25-26	3	11.5	BLACK/FEMALE	1	3.8	GED	2	7.7	UNEMPLOYED	13	50.1	1,000 - 1,999	5	19.2
27-28	3	11.5	OTHER	2	7.7	DROP OUT	10	38.5				0 - 9994	6	23.0
30-31	1	3.8										0	8	30.8
32-33	2	7.7												
50-52	2	7.7												

Mean=25.4

Mean=\$2038

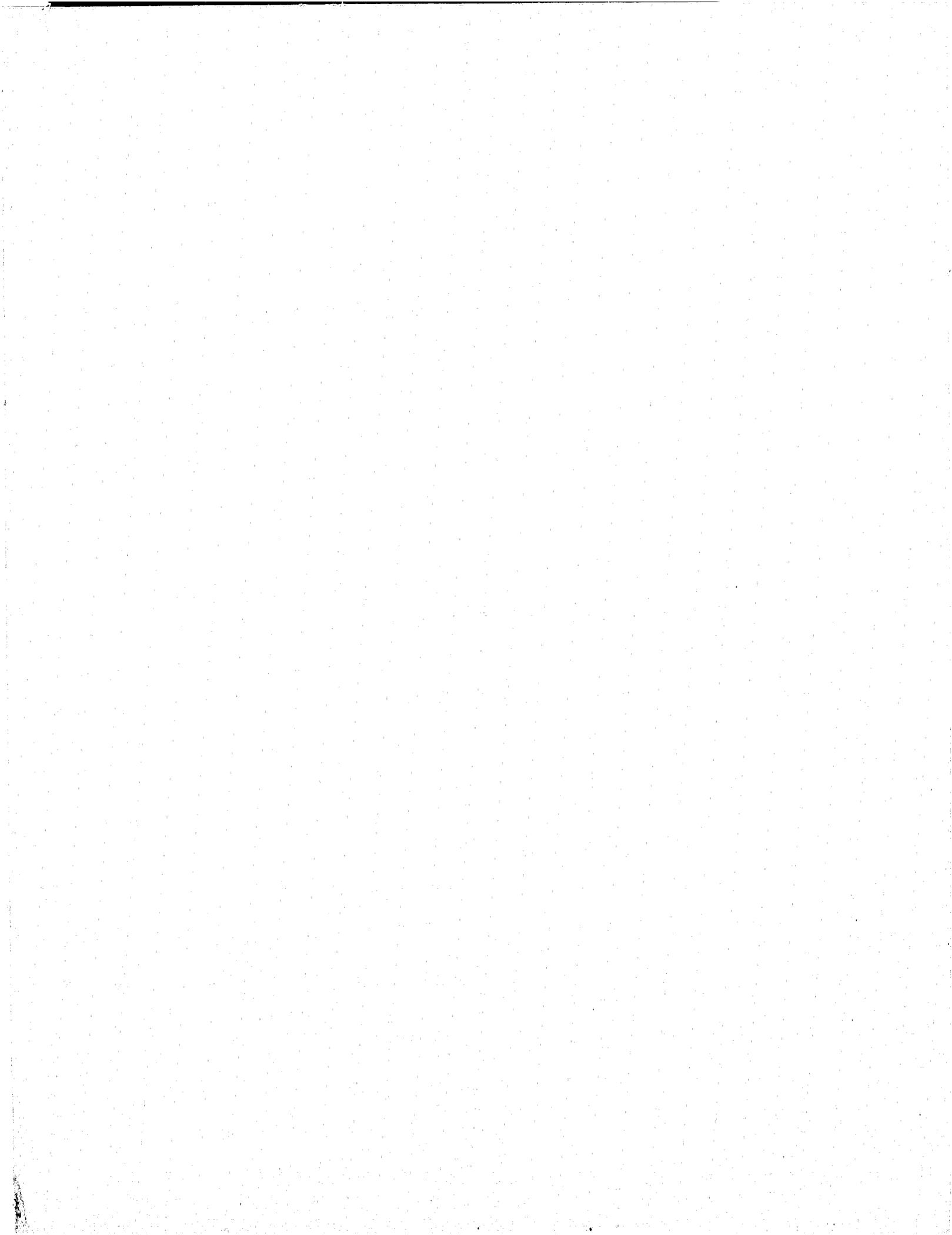


TABLE VIII

SOP CLIENTS:  
PREVIOUS ADULT OFFENSES

<u>OFFENSE TYPE</u>	<u>N</u>	<u>PERCENT</u>
ASSAULT	9	9.3
TRAFFIC <sup>1</sup>	40	41.2
LARCENY	10	10.3
DRUG/ALCOHOL	14	14.4
BURGLARY	7	7.2
WEAPON VIOLATOR	3	3.1
INDECENT EXPOSURE	4	4.2
COURT OFFENSES	3	3.1
OTHERS <sup>2</sup>	<u>7</u>	<u>7.2</u>
	97	100.0%

<sup>1</sup> DOES NOT INCLUDE TRAFFIC TICKETS

<sup>2</sup> STRONGARM ROBBERY, POSSESSION OF STOLEN PROPERTY, SALE OF FIREWORKS, EXCESSIVE NOISE, RESISTING A POLICE OFFICER.

TABLE IX

SOP CLIENTS: SOP ENTRY OFFENSES

CURRENT OFFENSE	N	PERCENT
ASSAULT: BATTERY	4	14.3
POSSESSION OF MARIJUANA	4	14.3
RECKLESS DRIVING	1	3.6
MALICIOUS DESTRUCTION OF PROPERTY UNDER \$100	3	10.6
IMPAIRED DRIVING	4	14.3
DRIVING ON SUSPENDED OR REVOKED LICENSE	1	3.6
DRUNK	3	10.6
LARCENY UNDER \$100	2	7.1
ATTEMPTED JOY RIDING	1	3.6
INDECENT EXPOSURE	1	3.6
UNLAWFUL USE OF MARIJUANA	1	3.6
RECKLESS USE OF A FIREARM	1	3.6
ATTEMPTED RESISTING OBSTRUCTING A POLICE OFFICER	1	3.6
OBSCENE CONDUCT	1	3.6
	<u>1</u> 28 <sup>1</sup>	<u>3.6</u> 100.0

<sup>1</sup> BECAUSE SOME OFFENDERS WERE CHARGED WITH MULTIPLE OFFENSES, THE TOTAL NUMBER OF OFFENSES IS GREATER THAN THE NUMBER OF OFFENDERS (N=26).

were arrested leading to their placement in SOP. Finally, Table X lists arrests for SOP clients during their participation in the program as of May 31, 1977. These arrests represent the activities of five clients. The recidivism rate based on the number of clients arrested as a proportion of the number of clients served would then be 19 percent (5/26) over an average supervised probation period of 6.2 months. The nine arrests shown in Table X include five probation violations and four arrests for new charges.

Table XI compares the frequency of client arrests for the 26 SOP participants during three periods: (a) their entire adult arrest history (including the current SOP offense), (b) a year prior to SOP placement (including the current SOP offense) and (c) the period of SOP participation as of May 1977. Adjusting to derive yearly rates, the data in this table indicate that there has been a significant reduction in the frequency of arrest during the SOP period. The average yearly arrest rate for the 26 clients over the length of their adult history was 2.3; for the year prior to SOP participation it was 1.8, and for the SOP treatment period it was only .67. This represents over a 60 percent reduction from the year prior to their participation in the program.

Due to the relatively short period for which the component has operated, the short average treatment time, and the absence of an appropriate comparison group, it is impossible to make conclusive statements about the effectiveness of the SOP treatment. However, the existing data suggests that the program may have been effective in reducing criminal activity. It is far easier to draw conclusions about the acceptance of the SOP component by the judges and others involved with District Court 9-1. During the operation of the component, judges accepted the recommendations for SOP in all cases. They also expressed strong support for the concept during Coordinating

TABLE X

SOP CLIENTS:  
PROBATION PERIOD ARRESTS<sup>1</sup>

OFFENSE TYPE	N	PERCENT
PROBATION VIOLATIONS	5	55.6
RESISTING POLICE OFFICER	1	11.1
DRIVING UNDER INFLUENCE OF LIQUOR	1	11.1
POSSESSION OF MARIJUANA	1	11.1
DISORDERLY PERSON	<u>1</u>	<u>11.1</u>
	9 <sup>2</sup>	100.0

<sup>1</sup>AVERAGE PROBATION PERIOD 6.2 MONTHS.

<sup>2</sup>REPRESENTS THE CRIMINAL BEHAVIOR OF 5 OF 26 CLIENTS.

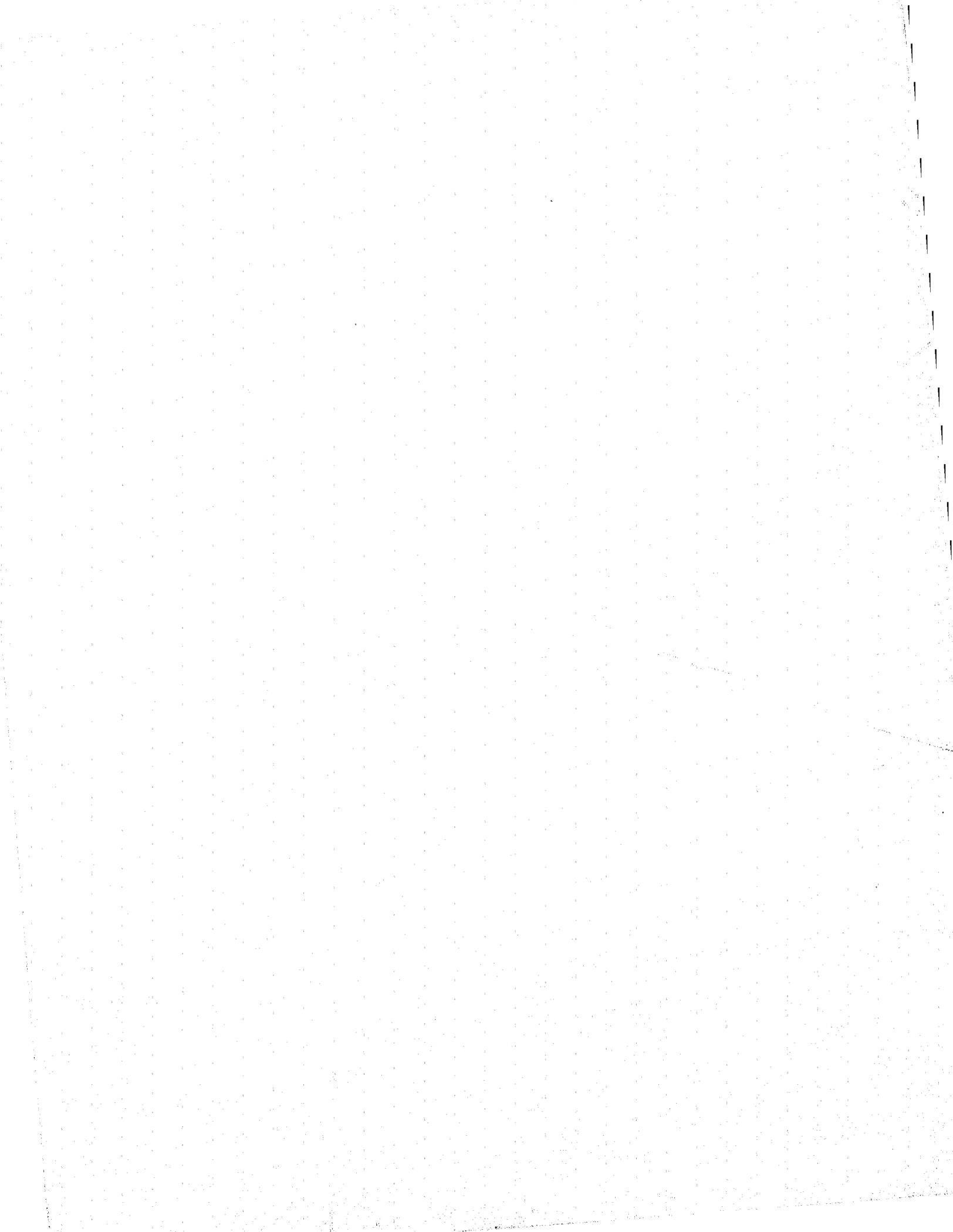


TABLE XI  
 SELECT OFFENDER PROBATION:  
 ARREST COMPARISONS FOR THREE PERIODS

N	PREPROBATION: CRIMINAL HISTORY DATA				BASELINE YEAR <sup>2</sup> : CRIMINAL HISTORY DATA			PROBATION PERIOD: CRIMINAL HISTORY DATA			
	TOTAL NUMBER OF ARRESTS <sup>1</sup>	$\bar{X}$ ARRESTS PER PERSON	AVERAGE CRIMINAL HISTORY LENGTH (IN MONTHS) PER PERSON	$\bar{X}$ ARRESTS YEAR	TOTAL NUMBER OF ARRESTS <sup>1</sup>	$\bar{X}$ ARRESTS PER PERSON	$\bar{X}$ ARRESTS YEAR	TOTAL ARRESTS	$\bar{X}$ ARRESTS PER PERSON	AVERAGE LENGTH OF PROBATION PERIOD (IN MONTHS) PER PERSON	$\bar{X}$ ARRESTS YEAR
26	118	4.5	50.9	2.3	46	1.8	1.8	9	.35	6.2	67

<sup>1</sup> INCLUDES CURRENT OFFENSE.

<sup>2</sup> ONE YEAR PRIOR TO PLACEMENT IN SELECT OFFENDER PROBATION.

Council and the belief of local government officials that St. was effective in serving a needed function in the city of Kalamazoo has also led to the institutionalization of the SOP component with District Court 9-1. The component has been funded for an additional year through a combination of state LEAA block grant and local funding. Although the component has been hailed as a local success, it is recognized that a longer demonstration period is needed, along with a carefully controlled study of the treatment group (using a randomly assigned control group) before definitive statements as to the program's effectiveness can be made.

Finally, because of the way in which the SOP component was developed it never offered judges a fourth sentencing alternative. Since the decision to place a defendant in SOP comes directly from the probation department, and merely requires the approval, as opposed to the initiative, of a judge, it is really an alternative for the probation department, not the judicial branch. This does not limit the potential effectiveness of the program in terms of client outcomes, but it does suggest that the program's structure may foster stronger ties between SOP and the presentence investigation staff than between SOP and the judiciary.

## 11.0 PROGRAM STRUCTURE AND THE MCC

### 11.1 The Coordinating Council and Its Subcommittees

The structure of the IMPAC Program in Kalamazoo was a reflection and extension of the planning and commitment of its early architects and supporters. Pre-grant meetings held with agency representatives laid the necessary groundwork for the establishment of a viable Coordinating Council. The concept of using working subcommittees for component design and implementation activities encouraged inter-agency communication and cooperation. And perhaps, most importantly, the enthusiasm and interest accorded the Mass Case Coordinator concept created an atmosphere conducive to coordination. As a result, the key structural elements of the program--the Coordinating Council, the component working subcommittees and the Mass Case Coordinator liaison position--effectively supported one another, facilitating the development, implementation and operation of the program.

The central element in the IMPAC structure has been the Coordinating Council. As the program's policy and review board, it provided the action structure for the program. The Council established and oversaw component working subcommittees as well as special ad hoc committees designed to address implementation problems, as in the case of the court summons component. Through its composition and by-laws it empowered and supported the position of the Mass Case Coordinator, delineating specific areas of responsibility and policymaking lines of authority. The Council's Executive Committee reinforced this structure, providing a mechanism for assuring that important matters could be dealt with between monthly Council meetings.

In its own right, the Council provided a forum for members of the criminal justice community. Council meetings

constituted a formalized setting for airing differences of opinion which might have otherwise created an impasse among implementing agencies. This proved particularly important when component implementation, as with the county-wide uniform citation, involved a number of different agencies. Committee reports informed Council members of component implementation activities and of the activities of the Mass Case Coordinator. Over time, the Council also became a forum for concerns which transcended the boundaries of the IMPAC components. When an alcohol detoxification center was established in Kalamazoo as part of a state-wide program, preceding the decriminalization of intoxication, a representative from the center sought assistance from the Council in establishing policies for transporting intoxicated persons to the center rather than to their homes or to jail. The Council has also considered and approved requests for appearance tickets from the Kalamazoo County Park Commission. When it became obvious that citation training for the Park Rangers would be too costly, the Council assisted them in securing radios which would facilitate communication with law enforcement officials possessing citation powers.

The theme of the IMPAC grant application, uniformity and consistency among agency procedures involving misdemeanors, surfaced frequently during Council meetings even when not directly related to component implementation and operations. Among the most significant issues discussed in this regard were:

- the need for and feasibility of centralizing probation services for the District Courts in the County;
- the possibility of establishing a county-wide uniform arraignment time; and,
- the redundancy in booking procedures among the jurisdictions in the county.

Issues such as these received (often for the first time) extensive attention at Council meetings by representative members of all jurisdictions. In some cases, as in the possibility of instituting

uniform arraignment times, significant constraints (not enough personnel) were discovered. On other issues, like reducing the redundancy of booking procedures, subcommittees were appointed to explore the situation and to make specific recommendations to the Council.

The Council also provided a forum for airing more specific concerns of the criminal justice community involved with misdemeanor processing. Problems such as increasing bond forfeitures and the difficulties in instituting collection proceedings, frequent extensions of probation terms for a failure to pay court costs, and the system implications of the decriminalization of intoxication, were among the discussion items. While resolution of these problems was not always possible, the fact that representatives of different agencies were able to present their views has been influential in encouraging cooperative ventures to improve the misdemeanor processing system. Participants have increasingly realized that their problems are not necessarily unique and because of this morale has improved and expectations for future resolution are perhaps more hopeful.

While the Council provided the implementing structure of the IMPAC program in Kalamazoo, the working subcommittees established by the Council have played key roles in the specifics of execution and operation of the individual ILCCH components. By appointing Council members whose agencies would be most affected by component implementation, direct involvement in component decision-making was insured. The successful implementation of the police citation, pretrial release, case screening and SOP components has largely been the result of the decisions of these subcommittees and the guidance which they have provided to the MCC.

At the same time, because the subcommittees represented a number of different agencies with varied interests and viewpoints, they

were unable to reach sufficient consensus regarding the need, purpose and implementation steps for some components. The failure to implement the short-form presentence report and court summons components were notable examples of the inability to achieve clear support for component plans and to maintain consistent effort throughout the grant. Of course, other factors (most importantly, the lack of a strong need) also contributed to this failure. Nevertheless, the working component subcommittees comprised the backbone of the IMPAC program structure and were responsible for insuring consistency in effort throughout the life of the IMPAC grant. They provided the linkages between the plans for components stated in the grant application and the day-to-day activities of the MCC in the operational aspects of the program.

The Coordinating Council and its member subcommittees have notably demonstrated the desirability of a systemwide approach to misdemeanor case handling. In Kalamazoo this is so much the case that the long-term impact of the Council may well supersede that of the combined components. This was recognized by almost all of those involved, either directly or indirectly, with the program. Most agreed that, through the Council, misdemeanor justice was, for the first time, formally accorded the recognition and attention that previously had been paid almost exclusively to felony case processing. As a result of this generalized support, insitutionalization of the Council concept in some form is virtually assured. With the approval of the governing bodies of both the city and the county, formation of a system-wide criminal justice council has been proposed to the Michigan Office of Criminal Justice Planning (OCJP). If approved by OCJP, the new Council will be designated the regional criminal justice planning unit for Kalamazoo and will formally review and act on all Kalamzoo county requests

for state LEAA funding. Like the IMPAC Coordinating Council, the new body will address problems from a system-wide perspective with a major goal being uniformity and consistency of policy and practice among participating jurisdictions. Unlike the Coordinating Council, however, areas of concern will not be restricted to the lower courts or misdemeanors. As a representative body, it will be possible for the new Council to solicit grant funds in its own name to support county-wide improvements regarding all facets of the criminal justice system.

#### 11.2 The Mass Case Coordinator

The role of the Mass Case Coordinator (MCC) was central to both the implementation and operation of the IMPAC program. It was expected at the time the program was initiated that the MCC would:

- coordinate and assist in the development of organizational policy regarding the program components;
- provide for the maintenance of a schedule of events for the enhancement of project success; and
- assist in the implementation of components in the City and Court 9-1 and ensure the expansion county-wide where appropriate.

Achievements of the IMPAC program can be attributed in part to the success of the MCC in meeting these expectations. While the Council and its working committees provided a forum for developing component plans and for the resolution of problems, the MCC provided substance to the program by ensuring that the policies of the Council were made known to appropriate agencies and implemented whenever possible. As his familiarity with the local system increased, the MCC was increasingly important to the Council in examining problem areas, collecting appropriate data and presenting alternatives for the development of component implementation plans.

Studies of pretrial release for misdemeanants, witness management and use of citations by police officers undertaken by the MCC on the Council's behalf, were valuable inputs to Council decisions in developing component alternatives. For instance, the MCC's findings that increased use of citations could be achieved through modifying the requirement that a police officer observe the offense, triggered subsequent efforts by the Council to seek a change in state legislation. The MCC's examination of witness notification procedures in the District Courts led to a series of recommendations to the Council resulting in the hiring of a witness coordinator, and the development of a new subpoena form for integration into the automatic witness notification system (see Section 8.0).

Once policies were formulated by the Council, the MCC was responsible for working closely with subcommittees to detail activities and develop procedures for the implementation of particular components. The police citation, SOP, and pretrial component procedures adopted during the program are reflective of this role, and this aspect of the MCC responsibilities appears to have caused many difficulties of coordination. In effect, although the Council tended to take a broader look at component initiatives, subcommittee members, whose agencies were most affected, often were unable to achieve consensus regarding specific component implementation plans. The implementation plans of court summons, short-form presentence investigation and case screening seem to have been very difficult to work with at this level. One possible explanation for the implementation problems of these components may have been the IMPAC approach of trying to develop and implement components for the City first, with eventual expansion to the county. In the subcommittees, partially composed of representatives of County agencies, this approach may have proved counterproductive since it implied resources, at least in the short run, would go to City agencies.

The MCC also assumed responsibilities for the management and administration of the IMPAC grant (subject to the approval of the Council), and made major contributions to the selection and direction of component personnel - notably the pretrial interviewer, the SOP officer, and the witness coordinator. Finally, the MCC was charged with supervising the evaluation of the program. Serving as both mediator and liaison, the MCC consistently sought feedback regarding the quality of the evaluation effort and its potential to satisfy local and national evaluation needs. Perhaps the most significant effort in this regard was the MCC's institution at the end of 1976, with the Council's approval, of a self-monitoring (management-by-objectives) system which would detail the remaining tasks for each component, define long term goals (3 years), and provide a vehicle to document evidence of program activity accomplishments. This system provided a basic management structure for the acting MCC when the MCC left the program in February 1977; results of this effort will be summarized in the MCC's final program report.

In sum the Mass Case Coordinator position has been important to the Kalamazoo IMPAC Program. No doubt the direction and strong role of the Council greatly facilitated the job to be done. Because support and interest were provided by the Council the MCC could dedicate most of his efforts to the coordination of implementation and operational details of component activities. This is not to say that the MCC encountered unwavering support for all of the basic component concepts, but rather that the atmosphere for coordination of system-wide improvements in Kalamazoo had already been created by the Council. For this reason it is extremely difficult to assess the effectiveness of the MCC or the Council without considering their interdependency. What has in fact been demonstrated here is the basic viability and usefulness of the coordinating role when it applies a policy about which there is consensus, and when that policy generates

a program which is supported by those who will be most involved in implementing it. The MCC could not save the court summons or short-form PSI report components where there was little or no consensus about the need for these efforts or about how they should be applied. On the other hand, when consensus did occur (as in the police citation or SOP components), policies could be intelligently formulated, program components implemented in consequence, and optimized through the coordinating role of the MCC. The mechanisms developed in Kalamazoo-- that is, the Council, the working component subcommittees and the MCC--had the merit of setting up a policy/program situation in which the relevant voices could be heard, problems could be posed and debated, and consensus could occur.

## 12.0 COMPONENT AND PROGRAM SUMMARY

For the Kalamazoo IMPAC program, it appears that the cooperative efforts of the Criminal Justice Coordinating Council and the attention it has focused on misdemeanor case handling have superseded the combined achievement of the components implemented and operated. Table XII summarizes the results of the planned component activities in Kalamazoo thus far. Of the planned components, PROMIS probably has the most potential for affecting system-wide improvement in Kalamazoo. Although it will not be implemented during the IMPAC grant period, the improvements it should bring in case preparation, data collection, subpoena issuance and witness management will be significant. The fact that PROMIS will deal with both felonies and misdemeanors substantially increases its significance.

Although successful to some degree, other components developed and implemented in Kalamazoo, apparently have not or will not result in substantial system-wide impact. The usage of citations for the first time in the City and County of Kalamazoo, though an achievement in itself, has not resulted in large scale savings of police time. The relatively small potential for use, due to the state requirement that a police officer must observe the offense, drastically limits the use of the form by precluding it for a substantial portion of those cases which constitute misdemeanor crime.

The case screening component concept offered little to Kalamazoo which could have been expected to bring about significant system changes. Existing screening and review of cases in the three major prosecutorial agencies in the county already eliminated many cases from prosecution prior to the IMPAC program. While the component implemented in Kalamazoo instituted a more reliable documentation of this effort through the uniform warrant request and disposition forum, significant changes in screening policy were not expected.

TABLE XII  
COMPONENT SUMMARY - KALAMAZOO COUNTY

COMPONENT	PRE-ILCCH STATUS	IMPLEMENTATION <sup>1</sup>	USE	INSTITUTIONALIZATION	OTHER COMMENTS
POLICE CITATION	PERMITTED BY STATE LAW, USED INFREQUENTLY IN PORTAGE FOR LOCAL ORDINANCES.	APRIL 1976 IN CITY OF KALAMAZOO, JUNE 1976 IN COUNTY, PORTAGE BEGAN USING NEW FORM IN APRIL 1976.	CITY - ABOUT 17 PER MONTH (USED MOST FREQUENTLY DURING SUMMER MONTHS) COUNTY - ABOUT 6 PER MONTH PORTAGE - LESS THAN 10 A MONTH	ALL JURISDICTIONS HAVE INDICATED CONTINUED AND EXPANDED USE OF CITATIONS. CITATION USE HAS BEEN AUTHORIZED FOR PARA-LAW ENFORCEMENT PERSONNEL SUCH AS HOUSING INSPECTORS, AND PUBLIC SERVICE OFFICERS.	
COURT SUMMONS	PERMITTED BY STATE LAW, USED ONLY FOR CIVIL COMPLAINTS.	PLANS TO IMPLEMENT IN DISTRICT COURTS 9-1 AND 8 HAVE BEEN ABANDONED. DISTRICT COURT 9-2 (PORTAGE) CURRENTLY DEVELOPING FORMAL COURT SUMMONS PROCEDURES. ANTICIPATED TO BE IMPLEMENTED BY 7/77.			EXISTING INFORMAL PROCEDURES USED TO SUMMONS MINOR OFFENDERS TO ANSWER CHARGES DIMINISHED THE APPLICABILITY OF THIS COMPONENT.
CASE SCREENING	FORMAL SCREENING UNIT IN COUNTY PROSECUTOR'S OFFICE; CITY ATTORNEY'S OFFICES IN PORTAGE AND KALAMAZOO SCREENED LOCAL ORDINANCE VIOLATIONS.	IMPLEMENTATION OF THIS COMPONENT CONSISTED OF ADOPTION OF A UNIFORM WARRANT REQUEST AND DISPOSITION FORM BY ALL PROSECUTORIAL AGENCIES - 7/76, AND DEVELOPMENT OF A POLICE CHARGING MANUAL - ANTICIPATED FOR USE 7/77.	THE UNIFORM WARRANT REQUEST FORM IS BEING USED BY THE COUNTY PROSECUTOR'S OFFICE AND THE KALAMAZOO AND PORTAGE CITY ATTORNEY FOR ALL WARRANT REQUESTS.	THE WARRANT REQUEST AND DISPOSITION IS INSTITUTIONALIZED; NO DETERMINATION CAN BE MADE REGARDING THE CHARGING MANUAL AT THIS TIME.	
PROMIS	ORIGINALLY PLANNED FOR FELONY CASES ONLY IN COUNTY PROSECUTOR'S OFFICE.	FULL IMPLEMENTATION OF PLANNED SYSTEM BY 8/77 WITNESS NOTIFICATION IMPROVEMENTS, AND NEW CASE DOCUMENTATION FORMS, AND WITNESS COORDINATOR POSITION IMPLEMENTED DURING JANUARY - MARCH 1976.	WITNESS NOTIFICATION SYSTEM USED FOR ALL DISTRICT COURT TRIALS.	YES - WILL BE FUNDED LOCALLY. WITNESS COORDINATOR POSITION IS BEING CONTINUED WITH LEAA (BLOCK) FUNDING.	
PRETRIAL RELEASE	NO FORMAL INTERVIEWING DONE FOR MISDEMEANANTS. JUDGES RELEASED MOST DEFENDANTS ON ROR OR BOND. FEW MISDEMEANANTS DETAINED FOR TRIAL.	MISDEMEANOR PRETRIAL INTERVIEW BEGAN IN APRIL 1976.	449 INTERVIEWS BETWEEN APRIL 1976 AND APRIL 1977. ABOUT 40% RECOMMENDED BY PRETRIAL COMPONENT ROR'D BY JUDGE.	NO. COMPONENT ENDED 1 JUNE 1977.	WHILE PLANNED TO SERVE ALL THREE DISTRICT COURTS, ONLY COURT 9-1 HAS SIGNIFICANTLY MADE USE OF THE COMPONENT.
SHORT FORM PRESENTENCE	NOT REQUIRED FOR MISDEMEANORS TRIED IN DISTRICT COURT. REQUESTED BETWEEN 10-25% OF THE TIME TO MISDEMEANORS USING AN EXISTING SHORT FORM.	DEVELOPMENT AND IMPLEMENTATION OF NEW FORM ATTEMPTED BUT NOT ACHIEVED.			
SELECTED OFFENDER PROBATION	PROBATION TO MISDEMEANANTS PROVIDED BY OFFICERS EMPLOYED BY EACH DISTRICT COURT.	SOP DEVELOPED AND IMPLEMENTED APRIL 1976. FOR DISTRICT COURT 9-1.	THIRTY-THREE CLIENTS ACCEPTED INTO SOP FROM APRIL 1976 - MAY 1977.	YES - COMPONENT REFUNDED WITH LEAA (BLOCK) FUNDS.	

<sup>1</sup>ILCCH GRANT AWARDED JULY 1, 1975.

The police charging manual planned for this component may help police achieve greater consistency in preparing charges. It is doubtful, and few participants expect, however, that it will bring about great changes in warrant authorizations or the successful prosecution of cases.

A pretrial release component, whose need was questioned early in the component development stages of the program, was implemented. The availability of minimal bonds for most minor offenses, a proclivity for the disposition of cases by guilty plea at pretrial appearance, and a judicial tradition of independent ROR decisions resulted in little reliance by judges on the interview recommendations and confirmed the suspicions of the Council and the MCC regarding the low need for the component. Since defendants rarely were incarcerated pending trial for misdemeanor offenses and the traditional bail system had already been reformed in Kalamazoo, it was not reasonable to expect significant results from this component.

The selected offender probation implemented in District Court 9-1, apparently quite successful as a treatment alternative, never really provided judges with an additional sentencing alternative as its use is largely determined by initiatives of the probation department rather than the bench. Beyond that, however, the component's system-wide impact is probably limited because it serves only District Court 9-1, and has a relatively small capacity (30-35 clients) when compared to the pool of misdemeanants receiving fines or receiving probation but for whom more intensive supervision is not appropriate.

The remaining components, court summons and short form presentence reports, were not successfully implemented and thus could have little impact on misdemeanor case handling.

The impact of the component elements of the program can also be considered from the viewpoint of institutionalization which holds the potential for expanded use or applicability of improvements in the future. Of the three components institutionalized, certainly PROMIS (with the changes it will bring in case preparation and its implications for improved case management) and citations (which could and probably will receive greater usage in the future) present the most potential in this regard. SOP, refunded for at least one more year, will probably require large-scale expansion into the other District Courts before substantial system effects can be expected.

The implementation efforts of the component elements in Kalamazoo have demonstrated that interagency cooperation and coordinated efforts cannot succeed where the need for a component does not exist. Perhaps the most serious shortcoming surrounding the determination of the need for component implementation in Kalamazoo was the scarcity of information on which to base development of component concepts in the early program stages. Such information might have fostered earlier, and more precise component plans allowing for additional time for the MCC to coordinate implementation. Case screening and court summons, perhaps, suffered the most in this respect.

Besides problems in planning, there were a number of other broader constraints on the success of the individual components in Kalamazoo. These constraints have more to do with the ILCCH program concept than with Kalamazoo's implementation performance. Foremost among these constraints was the targeted criminal misdemeanor population of the program. Kalamazoo's lower courts (District Courts) have trial jurisdiction over traffic and minor civil cases in addition to criminal misdemeanor cases. The fact that criminal misdemeanors comprise a relatively small proportion of these courts' workload largely limits the impact of potential reforms in case processing which ignore

these other areas. Thus the effects of reducing police booking time, for a few offenders via police citation, can be lost within a system which spends more than 50 percent of its resources on traffic matters. To achieve truly significant system-wide improvements, it would have been necessary to plan components focusing on the total workload of the lower courts.

Kalamazoo also lacked many of the preconditions which might have allowed for more significant component impact: the caseloads of the District Courts, while substantial, were not significantly backlogged; District Courts did not compete directly with felony courts (Circuit Courts) for resources; and misdemeanor case processing, was not characterized by the impersonal, "conveyor-belt" mentality often associated with the larger potential in Kalamazoo for changing or improving misdemeanor case handling.

The IMPAC program should not be judged on the basis of the individual or combined results of the ILCCH components alone. The establishment of the Criminal Justice Coordinating Council and the ability to transmit policy into activities via the Mass Case Coordinator has been an unqualified success in Kalamazoo. Through its activities, the Council concept was of added importance as it provided a common forum to address system needs which had to be resolved before components could be implemented. Furthermore, the Council's role in Kalamazoo was extremely conducive to the success of the MCC in integrating component activities and engaging agency support. The current attempts to institutionalize a new Coordinating Council and expand its purview across all facets of the criminal justice system clearly demonstrates Kalamazoo's commitment to system improvement and belief in the soundness of this approach.

The Council and the resulting attention accorded to misdemeanor processing in the District Courts should be viewed as the most

significant achievement of the ILCCH program in Kalamazoo, given that the results of PROMIS are not yet able to be assessed. The County Prosecutor, and those interviewed in connection with the evaluation of this program, have been consistent in their belief that the program's successes are best characterized by three achievements:

- the increased visibility and attention given to misdemeanor justice via the Council and the MCC component implementation efforts;
- the greater understanding of misdemeanor case processing achieved through special studies and the ability to collect more and better information; and
- the demonstration that a county-wide council for the coordination of misdemeanor (as well as felony) criminal justice activities can be an effective vehicle for affecting uniform changes in policies and procedures with respect to case processing.

Misdemeanant processing in Kalamazoo has received more attention; morale of lower court personnel has been bolstered; and some lasting achievements in case handling have been made. The Council has been able to identify a number of problem areas which remain and which will require future coordinative efforts similar to those of IMPAC. Jury utilization, increased paperwork, personnel shortages and training are among a number of issues which need attention. The creation of the new county-wide Coordinating Council should ensure that these problems will be dealt with, priorities established and improvements made where possible. It should further ensure that when new problems arise, a framework will be at hand to provide:

- a forum in which these problems can surface and be discussed from the various viewpoints to be conciliated; and
- a mechanism for developing policies and programs which are relevant to the problems at hand and are therefore likely to be able to address them effectively.

## APPENDIX I

### KALAMAZOO COUNTY CRIMINAL JUSTICE SYSTEM DESCRIPTION

#### POLICE

There are eight police organizations providing law enforcement services to the residents of Kalamazoo county. The largest are the Kalamazoo County Sheriff's Department, Kalamazoo City Police Department, Western Michigan University Police Department, and Kalamazoo Township Police Department.

The Kalamazoo City Police Department is the largest law enforcement organization in the county with 197 full-time personnel.<sup>17</sup> Of these full-time employees, 161 are sworn officers. The Police Chief is selected at the pleasure of the Kalamazoo City Manager, subject to approval by the City Commission; he serves indefinitely. All other Police Department employees are appointed under a city civil service system.

The department is broken down into four operating divisions: Patrol, Traffic, Criminal Investigation, and Staff Services. Personnel of the Criminal Investigation Division are responsible for conducting follow-up investigations, when appropriate, for all criminal offenses as well as for serving subpoenas for both District and Circuit Courts.

Three years ago, the Kalamazoo City Police Department established the Office of the Police Legal Advisor. This office is charged with providing legal services to the administration and members of the department. The Police Legal Advisor is a liaison with both the

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<sup>17</sup> Region III, 1976-77 Comprehensive Criminal Justice Plan. All subsequent figures are from this source, unless otherwise noted.

County Prosecutor's and City Attorneys' Office for matters which concern the coordination of arrest and prosecution activities.

The Kalamazoo County Sheriff's Department (KCSO) is mandated by law to enforce state and federal statutes in the unincorporated areas of the county. Thus, the Department is responsible for about 55,000 people in an area of 501 square miles.

The Sheriff is elected in the county. The KCSO consists of 191 sworn deputies and correctional officers, 13 civilian staff members, and a large number (150) of auxiliary personnel. The Sheriff's Department maintains its own jail -- the Kalamazoo County Jail -- considered by the state to be one of the most modern and progressive local detention facilities in the state.

The Kalamazoo Township Police Department has 28 full-time officers. This department maintains a 24-hour dispatch capability, but depends on the Michigan State Police and Kalamazoo City and County Sheriff Departments for forensic services. The Portage Police Department also dispatches 24 hours a day and relies on the state police for forensic services and has working agreements with local police departments for other needed services.

Finally, Western Michigan University, which is located in Kalamazoo County and has a student population of over 22,000, maintains its own 31-person police force. Members of the University force derive their police authority from the County Sheriff's Department, and function as sworn deputies. As such, they are vested with full police powers at arrest.

#### PROSECUTION

The Kalamazoo County Prosecuting Attorney is the major prosecuting authority in the county. His prosecutorial jurisdiction extends

throughout the incorporated areas of the county (City of Kalamazoo, Portage, etc.). The County Prosecuting Attorney makes charging decisions on all state statutory misdemeanors and felonies and is responsible for prosecuting those accepted cases to a final disposition.

The Kalamazoo County Prosecutor is an elected, full-time public official. He has a staff of 41 full-time personnel. The staff is organized into six divisions: Prosecutor's Administrator, Support Division, Trial Division, Appeals Division, Civil Division, and Citizens' Probation Authority Division. A seventh division, specifically designated to address case screening and plea negotiations, is planned for the future.

In 1970, a special program for deferred prosecution was established within the County Prosecutor's Office. Known as the Citizens' Probation Authority (CPA), the program is intended to screen out selected first or non-patterned offenders and divert them from the court process to a structured probationary term. While the responsibility to flag eligible participants lies with the CPA, the actual diversion decision is made at the discretion of the prosecuting attorney. Through participation in the program's counseling and vocational training services, offenders may avoid both criminal prosecution and an arrest record. On the other hand, non-compliance with the requirements of the program may result in renewed criminal prosecution. While this program is primarily felony-oriented, some classes of misdemeanants (most notably shoplifters) are common participants.

The program's staff consists of eight professionals and two support personnel. It is supported through a combination of federal and local funds.

The responsibility of prosecuting local ordinance violations falls to the City Attorney in whose jurisdiction the infraction occurred (e.g., Kalamazoo, Portage). The City Attorney makes all charging decisions involving ordinance violations and then must prosecute a case when a plea of not guilty is entered at arraignment. Further, the City Attorney's Office provides legal counsel to its respective city government.

The Kalamazoo City Attorney's Office is staffed by the City Attorney, a Deputy City Attorney, and four Assistant City Attorneys. These positions are full-time positions. The City of Portage employs a City Attorney on a part-time basis and one full-time assistant.

#### COURTS

The Supreme Court of Michigan is the court of last resort in the state. Directly below, is the Court of Appeals, which hears all cases appealed from the two systems of lower courts -- Circuit Courts and District Courts. Circuit and District Courts have general as well as specific judicial jurisdiction throughout the various geographic divisions in the state.

Circuit Courts in Michigan are courts of general jurisdiction. They exercise exclusive original jurisdiction in criminal cases when the minimum possible period of incarceration exceeds a year (felony cases). Circuit Courts may also hear criminal cases on appeal from a lower District Court. There are 46 Circuit Courts in Michigan -- about one per county.

Circuit Court 9 has a geographic jurisdiction contiguous with the boundaries of Kalamazoo County. The court has four Circuit Judges, each of whom is nominated and elected on a non-partisan ballot in the county (circuit) to serve a term of six to eight years. Michigan law requires that judges be licensed to practice law in the state.

The Kalamazoo County Circuit Court has the following staff: four full-time Judges; one Court Administrator; five Court Reporters; four Bailiffs; nine Court Clerks; and one Secretary to the Court Administrator.

Below the Circuit Courts are the District Courts--courts of limited jurisdiction. These courts have original jurisdiction for all misdemeanor offenses and ordinance violations when the possible maximum punishment cannot exceed one year of incarceration. District Courts hold both felony arraignments and probable cause hearings.

District Court costs, with the exception of judges' salaries, are paid through state funds.

There are three District Courts within Kalamazoo County. The Eighth District Court serves all the territory in the county except for the Cities of Kalamazoo and Portage. District Court 9-1 serves the City of Kalamazoo, while District Court 9-2 serves the City of Portage. These District Courts have a multiplicity of responsibilities over and above handling state statute offenses and ordinance violations including hearing traffic cases, civil suits, small claims, and summary proceedings.

There are seven District Court judges, each elected on a non-partisan basis to serve a term of four to six years. Four judges make-up the bench of Court 9-1; two sit in Court 9-2; one judge serves Court 8. District Court Judges too must be licensed to practice law in Michigan.

#### **CORRECTIONS/PROBATION**

In Kalamazoo County, probation services are provided by the Kalamazoo County Adult Probation Department, comprised of probation

personnel assigned to the Circuit Court or either one of the three District Courts.

The Kalamazoo County probation personnel who serve the Circuit Court conduct presentence investigations, supervise probationers, and provide counseling and other traditional probation services. Probation officers are also responsible for the supervision on inter-state and intra-state probation transfers, as well as for the collection and disbursement of court costs, fines, and restitution to victims of criminal offenses.

Eight probation officers serve the Circuit Court. The Chief Probation Agent and one probation officer are county employees, while the remaining six officers are subsidized by the State Department of Corrections. Additionally, the county employs two clerical personnel for this division.

District Court probation officers perform the same tasks as officers assigned to the Circuit Court. In the Eighth District Court there is one full-time probation officer who is subsidized by the state. During 1974, this officer handled 135 cases and provided 100 presentence investigation reports. The probation staff for the Ninth District Court, Division 1 (City of Kalamazoo), consists of three probation officers, two presentence investigators, and two clerical personnel. During 1974, District Court 9-1 probation officers were responsible for 888 probationers, and conducted 382 presentence investigations. The Ninth District Court, Division 2 (City of Portage), has a probation department consisting of three part-time probation officers.

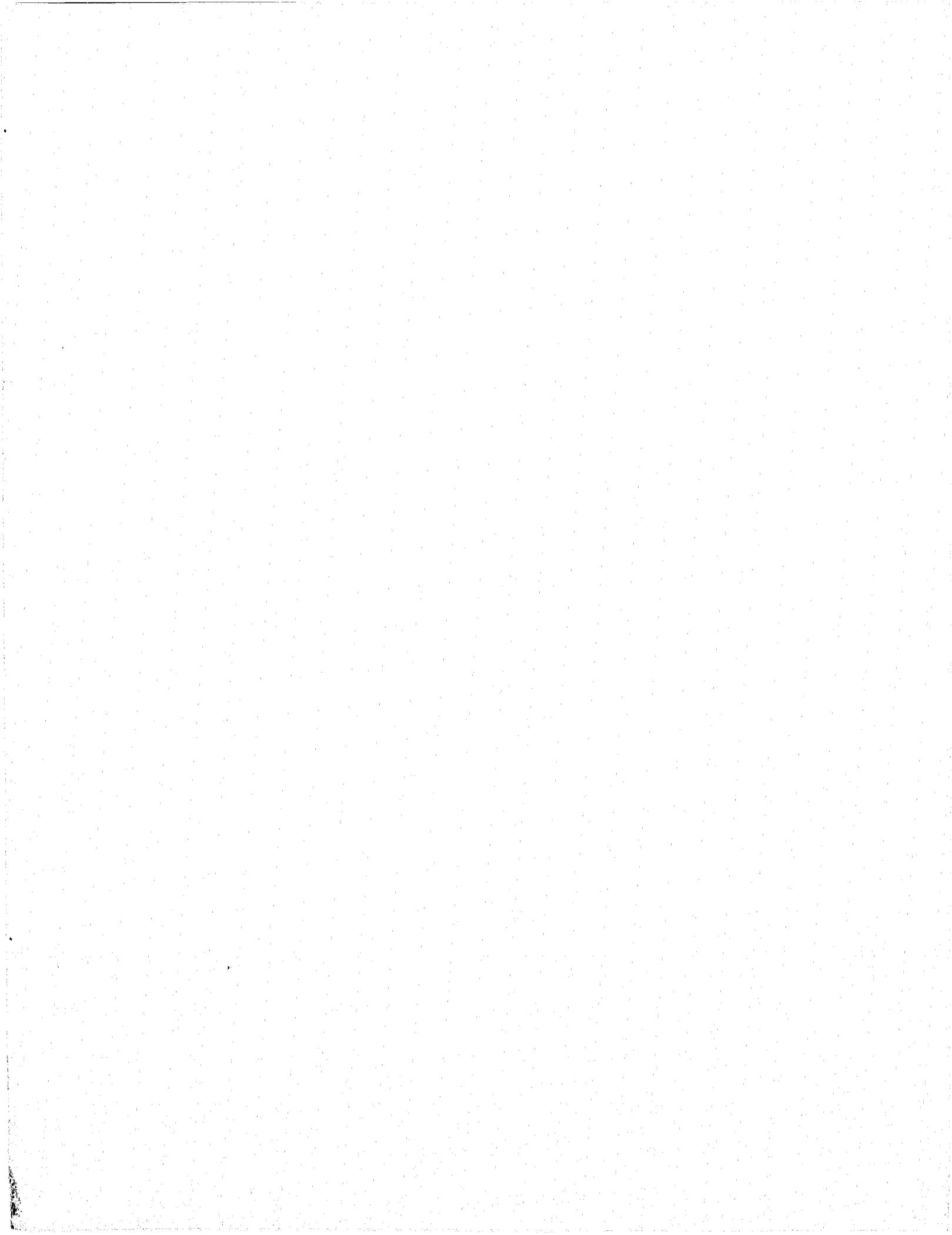
There are a number of additional community-based social service agencies in Kalamazoo County that provide important contributions

to the various functional components of the criminal justice system. These services include substance abuse (e.g., alcohol, drugs) services that accept referrals from the courts and work closely with the county's probation and parole activities; educational services, including adult, basic and vocational training; and a wide range of diagnostic activities.

**APPENDIX II**

**WARRANT REQUEST AND  
DISPOSITION FORM**





**END**