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ACQUISITIONS

PHILADELPHIA STANDARDS AND GOALS

EXEMPLARY COURT PROJECT

FINAL EVALUATION

76-DF-03-0025/  
76-ED-03-0021

cl

May 4, 1978



National Center for State Courts  
Osgood Hill  
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# National Center for State Courts

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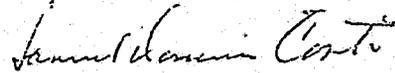
Dear Denis:

We are pleased to transmit to you the final report entitled Philadelphia Standards and Goals Exemplary Court Project Final Evaluation. Staff assigned to this project were gratified by the willingness of those interviewed to cooperate in the preparation of the evaluation.

The report details both the accomplishments and the failures of the Exemplary Court Project, and in some instances makes suggestions for improvement in certain projects which will be ongoing.

We hope that this report is to your satisfaction and that our observations are helpful to you.

Very truly yours,



Samuel Domenic Conti

SDC/jh  
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PHILADELPHIA STANDARDS AND GOALS

EXEMPLARY COURT PROJECT

FINAL EVALUATION

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INTRODUCTION,  
ACKNOWLEDGMENTS  
AND  
GENERAL SOURCE DOCUMENTS

## INTRODUCTION

In September 1977 the Governor's Justice Commission for the Commonwealth of Pennsylvania engaged the services of the National Center for State Courts for a final evaluation of the Philadelphia Standards and Goals Exemplary Court Project. This project (hereinafter referred to simply as ECP) begun in 1974, was intended as a comprehensive three-year effort to achieve for Philadelphia the status of a "Model Standards and Goals City" for the United States. The "standards and goals" under consideration were to be those promulgated in 1973 by the National Advisory Commission on Criminal Justice Standards and Goals (NAC).<sup>1</sup>

The NAC standards have served as the starting point for this evaluation. The evaluation team sought to determine the extent to which relevant NAC standards were achieved in Philadelphia through ECP. Another source of evaluative criteria were the grant application documents<sup>2</sup> by which Philadelphia sought federal funding assistance from the U.S. Department of Justice, Law Enforcement Assistance Administration (LEAA). These documents set forth not only the NAC standards considered significant to the various subprojects within ECP, but also the objectives and anticipated results or benefits to be achieved

<sup>1</sup>The NAC standards and goals, as well as related materials, were organized in several volumes. Those most relevant to ECP relate to courts and corrections, which are cited in this report as NAC, Courts (or simply Courts) and NAC, Corrections (or simply Corrections).

<sup>2</sup>Philadelphia Court of Common Pleas, Philadelphia Standards and Goals Exemplary Court Project Discretionary Grant Application (June 3, 1974) (cited hereafter as ECP Phase I Grant Application); Philadelphia Standards and Goals Exemplary Court Project Discretionary Grant Application (July 1, 1976) (rejected by LEAA, cited hereafter as ECP Phase II Grant Application (Draft)); and Philadelphia Standards and Goals Exemplary Court Project Discretionary Grant Application (September 27, 1976) (approved by LEAA, cited hereafter as ECP Phase II Grant Application).

by the subprojects. A final source of evaluative measures was the body of scholarly and professional literature addressing topic areas in which ECP subprojects operated. The evaluation reported here thus sought to measure ECP with reference to national standards, by the criteria set out for ECP, by its own leadership, and by criteria set forth by knowledgeable commentators.

The evaluation process itself was carried out between October 1977 and February 1978.<sup>3</sup> After preparatory review of literature applicable to ECP, the evaluators conducted interviews in Philadelphia with those involved in ECP and collected reports and other documents about activities in the overall project and its constituent elements. In November and December, preliminary evaluation drafts were written for consideration in follow-up interviews in early 1978. Final evaluation drafts were then completed and submitted for review before the final report was completed.

In general, the chapters of this report are all organized in the same fashion: after a brief introduction to the subject matter of the ECP subproject being discussed, there follows a summary of its history and present state. Then evaluative comments are offered. Varying somewhat from this format are the chapters on the Philadelphia Justice Information System (PJIS) and the District Attorney's Management Information System (DAMIS), about which the evaluators were requested, in addition to making evaluative comments, to suggest options for the future.

---

<sup>3</sup>Although the ECP grant was extended into 1978 to accommodate this evaluation, all other ECP activities were completed in September 1977.

## ACKNOWLEDGMENTS

In the course of this evaluation, members of the evaluation team interviewed and were assisted by a large number of people. Special thanks are due to the Honorable Edward J. Bradley, President Judge of the Philadelphia Court of Common Pleas, the Honorable David N. Savitt, Philadelphia Court Administrator, Thomas J. Brennan, Executive Director, Pennsylvania Governor's Justice Commission, Richard Moore, Chief Planner, Philadelphia Regional Planning Council, and J. Denis Moran, ECP Executive Director and Chief Deputy Court Administrator for Operations and Services, Philadelphia Court of Common Pleas. The evaluators also wish to express their appreciation for the aid and cooperation of the following people.

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Department  
Bernard Smalley, ECP Deputy Director  
Peter Solomon, Probation Officer, Adult Probation Department  
Leonard Triplett, Probation Officer, Adult Probation Department

## GENERAL SOURCE DOCUMENTS

During the course of this evaluation, a number of published and unpublished documents have been reviewed. Many of these relate to specific sub-projects, and they are consequently listed in the body of this report after the evaluations of each subproject. But some materials are of significance to all of the subprojects, and they are cited throughout the report. They are:

Howard, Lorraine M., et al., "Philadelphia Standards and Goals Exemplary Court Project (E.C.P.)(75-DF-03-0003): Refunding Evaluation Report" (March 22, 1976).

National Advisory Commission on Criminal Justice Standards and Goals, Corrections (1973) (cited in text as NAC, Corrections, or as Corrections).

\_\_\_\_\_, Courts (1973) (cited in text as NAC, Courts, or as Courts).

Philadelphia Court of Common Pleas, Exemplary Court Project, Management and Evaluation Unit, "ExCePtions. Newsletter of the Philadelphia Court of Common Pleas Standards and Goals Exemplary Court Project" (volumes I and II, March 1976-June 1977).

\_\_\_\_\_, Philadelphia Standards and Goals Exemplary Court Project Discretionary Grant Application (September 27, 1976) (cited in text as ECP Phase II Grant Application).

Philadelphia Court of Common Pleas, "National Standards and Goals Exemplary Court Project" (undated; submitted October, 1977, after completion of ECP operations, in satisfaction of "Condition 8" imposed by LEAA in grant negotiations; consequently, it is cited in the text as the "Condition 8" Document).

\_\_\_\_\_, Philadelphia Standards and Goals Exemplary Court Project Discretionary Grant Application (June 3, 1974) (cited in text as ECP Phase I Grant Application).

\_\_\_\_\_, Philadelphia Standards and Goals Exemplary Court Project Discretionary Grant Application (July 1, 1976) (rejected by LEAA; cited in text as ECP Phase II Grant Application (Draft)).

EVALUATION SUMMARY

## EVALUATION SUMMARY

Development and implementation of the Philadelphia Exemplary Court Project (ECP) was unquestionably a bold effort by a court system that has gone much further than most toward facing and trying to solve the criminal justice problems of late twentieth-century America. Philadelphia's willingness to become a "laboratory" for operational experimentation with new approaches is surely a testament to the courage of the political and judicial leadership of Philadelphia and of the Commonwealth of Pennsylvania. That willingness has resulted in what may be some very important "lessons learned," not only for Philadelphia and Pennsylvania, but for court systems throughout the country. For ECP did not achieve the ends set out for it.

Considerations external to the actual operation of ECP had a severe impact on the outcome of the project. Perhaps the most crucial of these was a drastic cutback in the federal funding assistance upon which ECP implementation was predicated. When the first ECP grant application was submitted in 1974, the project's three-year budget was projected at a total of over \$8 million (see below Exhibit 1).<sup>4</sup> But with delays in completion of Phase I of ECP and a changeover in LEAA leadership, continuation funding for ECP Phase II was sharply reduced<sup>5</sup> and funding for Phase III eliminated altogether. The result was a total ECP budget less than half that originally contemplated, as Exhibit 2 shows. No ECP subproject escaped the effect of the budget reduction, and some subprojects were discontinued.

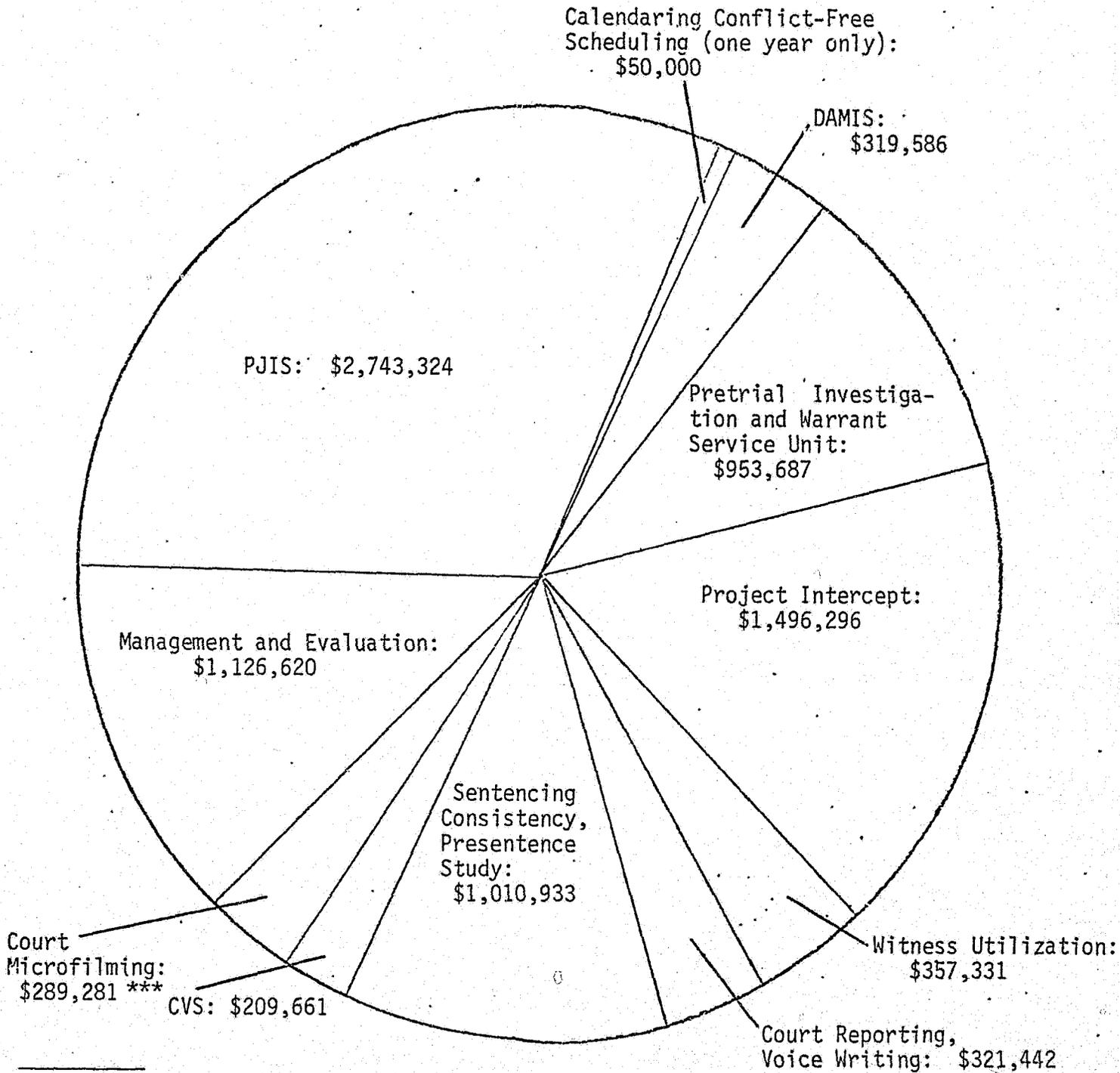
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<sup>4</sup>See ECP Phase I Grant Application.

<sup>5</sup>Compare the total budgets for ECP Phase II set out in ECP Phase II Grant Application (Draft) (rejected by LEAA) and ECP Phase II Grant Application (approved by LEAA for much less money).

Exhibit 1

Projected Allocation of ECP Three-Year Budget Among Subprojects,  
According to Phase I Grant Application\*  
(Projected Total Budget: \$8,878,161)\*\*



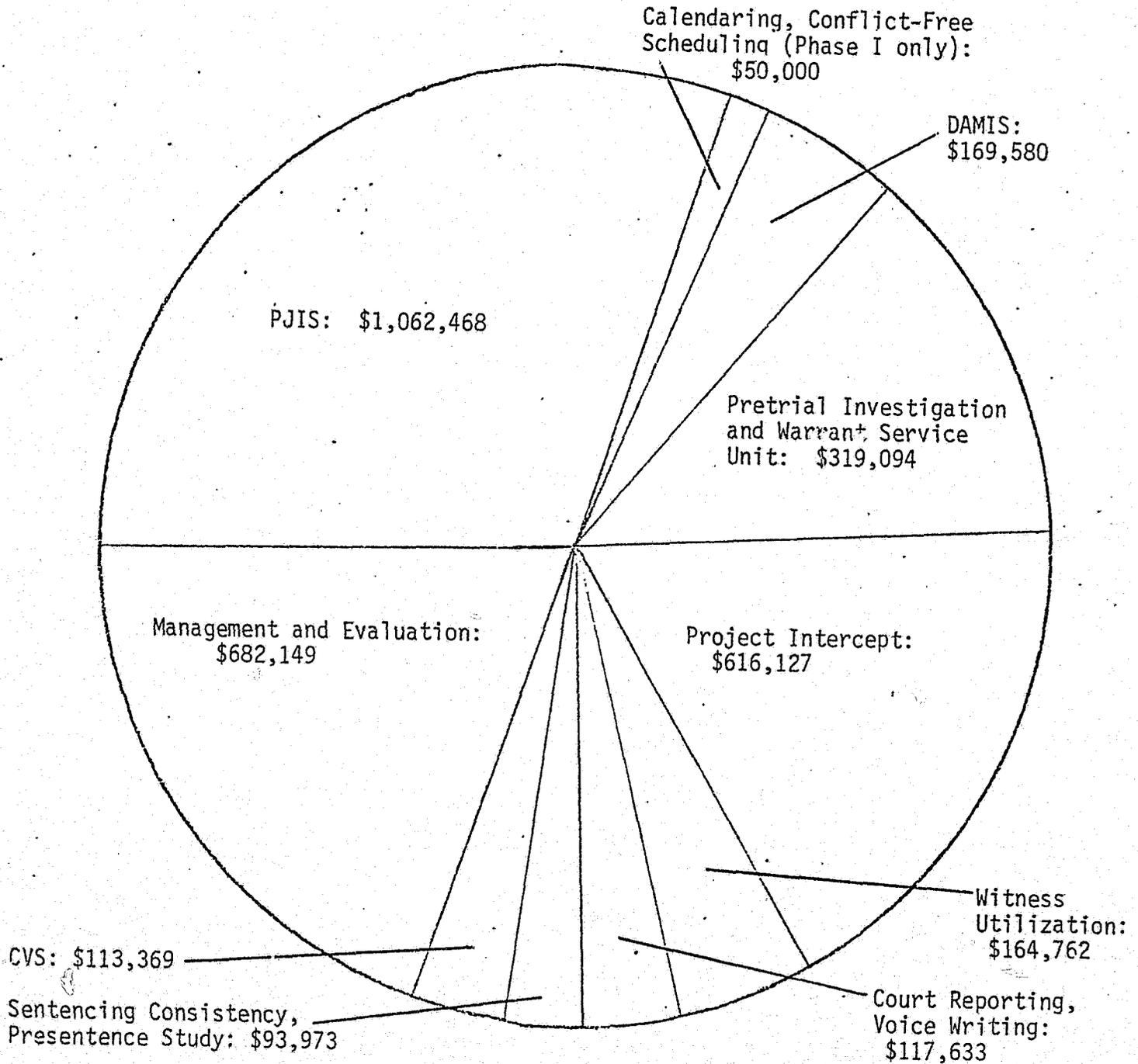
\* Source: ECP Phase I Grant Application, pp. VI-XI.

\*\* This total includes fringe benefits, indirect costs, and non-federal match.

\*\*\* This subproject was dropped from the grant application before ECP began.

Exhibit 2

Projected Allocation of ECP Three-Year Budget Among Subprojects  
upon Approval of Phase II Grant Application\*  
(Total Budget: \$3,526,828)\*\*



\* Sources: ECP Phase I Grant Application and ECP Phase II Grant Application.  
\*\* This total includes fringe benefits, indirect costs, and non-federal match; it does not include a budget allocation for expansion of court microfilming.

Further problems came about because ECP began to build staff by hiring new people just as Philadelphia and its justice elements were coming to terms with the letter and spirit of equal employment opportunity (EEO) legislation. A number of new staff members had been preliminarily approved for employment under ECP, but they had to re-apply or delay assumption of ECP positions, when pressure for EEO compliance led to a time-consuming reformulation of employment screening procedures. While this change undoubtedly helped reduce hiring inequities in the justice community, its effect on ECP was to delay completion of Phase I from 1975 to 1976. Many ECP positions were still unfilled by 1976; and when LEAA Phase II funding was reduced, a number of the unfilled positions were simply dropped.

ECP included several subprojects, some of which were not addressed in the evaluation reported here. The subprojects not evaluated for this report were (a) calendaring: conflict-free scheduling; (b) court microfilming; (c) sentencing consistency; and (d) computer-aided transcription.

The centerpiece, of course, of the ECP was the Philadelphia Justice Information System (PJIS). Envisioned as a means to provide a comprehensive data base for processing criminal cases, incorporating input from law enforcement agencies, prosecutors and the courts, PJIS was to be the heart of an integrated criminal justice system. PJIS is now inoperative. Its present state is in part the consequence of considerable public disagreement and debate about the confidentiality of public records in large data systems, a major social problem yet to be resolved in our country. Moreover, PJIS was to be the primary vehicle for including such separate and semi-autonomous public entities as law enforcement agencies, the district attorney's office, and the courts in a thoroughly integrated operating system; but PJIS and the systems approach fell victim

to the realities of different (and sometimes conflicting) organizational processes within each entity. Furthermore, it is questionable whether there ever was adequate forecasting of the costs to be borne or the amount and timing of benefits to be received when and if PJIS became fully operational. These matters raise serious issues about the utility of large, centralized data systems even for high-volume metropolitan areas. Small computers or lower-level information processing technology may be more reasonable for managing criminal justice data needs in the future.

While PJIS was clearly the most expensive and controversial element of ECP, efforts were also undertaken in several other ECP areas. Closely related to PJIS was the District Attorney's Management Information System (DAMIS). The absence of any central authority to guide day-to-day operations and limited personnel resources exacerbated problems for DAMIS arising from the failure of PJIS. As a consequence, DAMIS is only marginally operational at present.

Project Intercept represented an effort to improve diversion services, and it succeeded in bringing Philadelphia into substantial accord with NAC diversion standards. Research conducted under Project Intercept concluded that diversion, with or without social services, is more economical than the full traditional criminal justice process.

The witness utilization program had three components: a telephone alert system, a witness assembly room, and a bilingual court information system. These components helped make the justice process more responsive to the needs of citizens, although no rigorous effort was made to provide reliable data on which to base a firm judgment of the program's impact.

The presentence study carried out under ECP was intended as a means to improve the management of presentence report preparation. But, hampered by the sharp cutback in federal funding (compare funding for this project as shown in Exhibits 1 and 2 above) and by hiring delays, the study had only limited results, of little replicability.

To expand involvement of citizen volunteers in the justice process, the Court Volunteer Services program was funded under ECP as a continuation of the Philadelphia adult probation department's former community resource and volunteer unit. The program did indeed engage a large number of volunteer aides, although data were insufficient to demonstrate any conclusive impact in areas of volunteer involvement.

The voice writing implementation program, conceived as a means to explore the feasibility of voice writing as a technological alternative to stenotype court reporting, was discontinued after Phase I of ECP. Yet two voice writers trained in four months under the program have qualified as court reporters in Philadelphia and joined the court system's reporting staff, indicating that voice writers can be trained in far less time than is required for stenotypists (24 months) to become competent for court reporting.

Management and evaluation of ECP and the operation of a management, evaluation and planning unit is the last element of ECP evaluated here. In the face of the sharp cutback in federal funding, hiring difficulties associated with EEO requirements, and the problems faced by PJIS, the ECP Coordinator was faced with such problems external to the day-to-day operation of the project that he was unable to give complete attention to managing the relations among subprojects and to identifying all the areas that might be improved through research by the management, evaluation and planning unit. The unit never achieved sufficient influence among the ECP subproject leaders to play an effective management and planning role.

In conclusion, ECP achieved no better than mixed results. The failure of PJIS, its key subproject, to become operational should offer significant lessons about the utility of large, centralized data systems for metropolitan criminal justice. If for no other reason, the results of ECP are a substantial contribution in our country's efforts to improve its criminal justice administration, despite the project's disappointing outcome.

PHILADELPHIA JUSTICE  
INFORMATION SYSTEM  
(PJIS)

## PHILADELPHIA JUSTICE INFORMATION SYSTEM (PJIS)

The life of a large project seldom follows a course suggested by textbooks, as unforeseen events almost always require changes in plans. The Philadelphia Justice Information System (PJIS) project, an effort to centralize and computerize the records of Philadelphia criminal justice community, however, encountered more than the normal share of unforeseen events. Federal funding was cut back substantially at midpoint, a thorny privacy problem required resolution, and IBM's participation in the project became controversial. As these events had a substantial impact on the project, they dictated a change in our evaluation. Expecting to find an on-going computer implementation, the National Center planned to assess such areas as the efficiency of various subsystems, the success in meeting schedules, the quality of the documentation, etc. Faced with the fact that the implementation effort had been largely abandoned, the National Center changed the focus of its assessment to attempt to determine why the project had reached its present state.

Before this subject is dealt with, a number of additional considerations are worth pointing out. Philadelphia has long been considered a

leader in the application of computer concepts to court problems. The Court of Common Pleas has been a pioneer in the introduction and use of many computer techniques, which are now being emulated by other courts. Building on this base, the court and other members of Philadelphia's criminal justice community proceeded on an even more ambitious course of action: the design and implementation of the most modern criminal justice computer system in the nation--PJIS. This type of effort is seldom easy, for the pioneer almost always confronts the difficult and sometimes intractable problems first.

A final consideration should be borne in mind. During the planning stages of the project in the early 1970's, Law Enforcement Administration Assistance (LEAA) funds seemed inexhaustible. Crime was on the mind of a great many Americans and LEAA, given enough resources, was going to reduce its incidence. Of course, the financial picture at LEAA has changed considerably since then, with the agency now facing cuts every year and passing the cuts along to the recipients of its funds. But few were prescient enough to foresee these developments in the early 1970's.

## I. History and Present State of PJIS

### What is PJIS?

As conceived by its architects, PJIS was to be a large computer-based information system, outfitted with upwards of 100 CRT and typewriter terminals, located strategically throughout the offices of the police, courts, corrections and other members of the criminal justice community. The intent was to house under one centralized computer roof much of the information used by these entities of government. The rationale is strikingly simple. Since these govern-

ment units maintain many records which contain similar information (eg., name and other information about criminal defendants), recordkeeping is rendered more efficient by consolidating and centralizing the information in the computer. The real prize though, is more timely information which can be used to control criminal matters as they move through the justice process. System users would be able, among other things, to determine instantly, through the use of one of the terminals, whether an individual were on trial, in jail, etc., and to be informed through printouts of number and frequency of court cases, police arrests and other administrative and statistical information.

### History

Among the first courts to automate, the Philadelphia Court of Common Pleas and Municipal Court developed in the 1960's an elaborate computer-based information system. Its features include some 50 terminals and the ability to produce attorney and case schedules, dockets and all sorts of appearance notices. It was quite successful, so much so that many court officials from throughout the country have traveled to Philadelphia to view its operation.

Building on this success, court officials and officials from other criminal justice units formulated a more ambitious plan and entered into an agreement in 1971 with IBM to help consummate it. IBM was asked to identify major goals of the criminal justice community, to study and evaluate the current system with an eye to integrating it into a more comprehensive justice information system, and to design detailed specifications for the comprehensive system.<sup>6</sup> This work was completed in 1974. Paralleling this work was a related but more practical effort by COJINT (Combined Justice Information

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<sup>6</sup>The value of the work has been put at \$500,000; IBM charged no fee for this service.

Network Over Terminals), which concentrated on the development and implementation of an automated prison inventory system and a terminal-oriented police booking system (On-Line Booking).

With the completion of the IBM study and the impetus of COJINT work, the Court of Common Pleas sought LEAA funding for an all-embracing automated criminal justice information system, PJIS, as well as for other projects. The entire package was called the Exemplary Court Project (ECP). In 1974, LEAA approved the request, allocating \$608,000 of the first-year funds to PJIS.

Hiring staff turned out to be the PJIS's first problem. The court's personnel department had to recruit and test applicants in compliance with equal employment opportunity (EEO) guidelines. While the department had done this previously for individual applicants, it was the first time the department had to apply the guidelines to the hiring of 20-30 professional personnel (e.g., planners, computer programmers, etc.) The process was quite lengthy. A change in court leadership also delayed the appointment of a number of individuals. The last appointments were not made until 1976.

During the first phase of PJIS, confidentiality became an important issue. At the outset of the project, PJIS officials published a set of guidelines on confidentiality. The Regional Planning Council of the Governor's Justice Commission took an active interest in this issue as well, appointing in 1974 a committee of Philadelphians to develop another set of confidentiality guidelines specifically for the PJIS project. At the same time, the Commonwealth of Pennsylvania was developing its own set of confidentiality guidelines. PJIS was at the center of this activity.

In developing its guidelines, the Regional Planning Council's Committee faced the difficult task of bringing together diverse and in many ways conflicting sets of interests. Some pressed for an efficient criminal justice

process; others argued against the trend toward centralized government power through the establishment of centralized data banks; the concern of others was privacy for all citizens; the press wanted virtually unlimited access to information on criminal cases. Public hearings were the focal point for this debate. From all reports, emotions ran high at the hearings, with most voicing their beliefs vigorously and some leveling serious accusations at participants in the project.

Another issue surfaced at the hearings: IBM participation in the project. Some argued that because IBM drew up the specifications for the system, the company should not be allowed to bid for the computer system. Some members of the black community maintained that IBM's operation of plants in South Africa should disqualify the firm from participation in the project.

In April, 1976, almost two years after PJIS startup, the Regional Planning Council's Committee issued its guidelines, called the Philadelphia Plan. In essence, the guidelines say that all PJIS records are open to public inspection.

Although the guidelines were to have no effect on the design of PJIS, their consideration delayed the progress of the project because the design could not be considered final until the guidelines were issued. Hence, superimposed on the delay caused by the lengthy hiring process was another delay resulting largely from the development of confidentiality guidelines. The net effect of this was that the work of the first phase of the project, scheduled to be completed in one year, was stretched over a two-year period.

Notwithstanding these difficulties, progress was made during this phase of the project. On-Line Booking, designated as the first major software component of PJIS, was modified, tested and became operational in 1975. PJIS staff prepared a Request for Information (RFI) on computer hardware, which was

released to vendors. On the basis of the responses, a Request for Proposal (RFP) was drafted and prepared for distribution, but other events intervened.

As the first phase of the Exemplary Court Project drew to a close in the summer of 1976, staff submitted an application for continuation funding to LEAA. Then, lightning struck in the form of word from LEAA that the project would not be funded at all or, if the project were funded, it would be at a sharply reduced level. The exemplary project's proposed budget of some \$3,000,000 was cut to roughly \$1,000,000, with the PJIS budget moving from \$800,000 to \$410,000. The reductions demanded drastic changes in plans. Five of the twenty members of PJIS staff were laid off; the acquisition of the envisioned large computer system was no longer possible.

Many members of staff interpreted the cut as a precursor of the termination of the project and began to seek new employment. During the past year, all but six of the PJIS staff have resigned; the balance have been transferred to the court's data processing department.

Sights were set lower. Because of the unavailability of new computer hardware, it was decided to purchase additional memory for the existing court computer to accommodate PJIS programming work. Even this minor step was a **problem**. The addition had to come from the original computer supplier, which happened to be IBM. But since IBM was at the center of the conflict of interest debates, the sole source contract was questioned. Eventually, however, the extra memory was acquired. In May 1977, a PJIS application called Automated Municipal Court (MC) Transcripts, which, among other things, makes information captured by the On-Line Booking system available to the next step in the criminal justice **process**. the assignment proceedings, was completed. In the autumn of 1977, however, **the police** decided to discontinue the operations of the On-Line Booking system, **an action** which places the workability of Automated MC Transcripts in question.

## State of PJIS

Few hard accomplishments were realized. The original PJIS design remains, but it is unlikely that the design will be put to use because funds are unavailable for the computer. A scaled-down design with the District Attorney's Management Information System (DAMIS) at its core is available, but DAMIS itself is in trouble (see evaluation of DAMIS below). A solid accomplishment of the project, On-Line Booking, has been discontinued. Almost all of the original PJIS staff have resigned. Most court officials with whom the evaluators spoke thought PJIS was dead. The evaluators agree.

## II. Commentary

PJIS was affected by many factors, many of which were interrelated. For instance, the delays resulting from the confidentiality hearings may have affected LEAA's decision to cut back funding. For purposes of this section, factors judged significant are considered individually. With this approach there is a risk that inadequate attention will be given to the interplay of various factors. Notwithstanding this limitation, the evaluators believe it is more profitable to isolate and discuss individual issues.

## Financial Aspects of PJIS

IBM made the economic case for PJIS in its 1974 report on the system.<sup>7</sup> The benefit or revenue side of the analysis keyed on two important points. The system would (1) effect a 15% reduction in continuances, yielding a \$1,100,000 per year savings to the Philadelphia criminal justice community and (2) make possible productivity increases, yielding another \$1,500,000 in yearly savings. All together, the system would produce savings of \$2,600,000 yearly.

<sup>7</sup> IBM Corporation, "Philadelphia Information System. IBM/CJAC Phase III Joint Study. Vol. I - Executive Overview" (1974).

Exhibit 3a shows expected costs for the system. The two estimates shown, IBM's and the National Center's, are different but consistent. IBM estimates were for a larger overall system than was called for in the aborted RFP for PJIS. In any case, they both reflect the magnitude of the expected costs, about 2 million dollars per year.

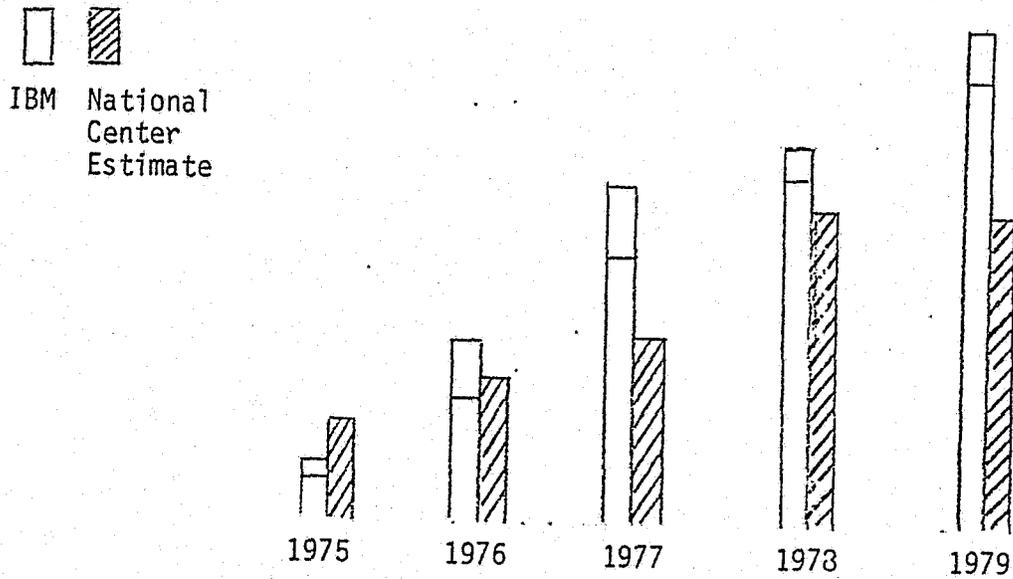
Exhibit 4 compares the National Center's estimates of system costs and monetary benefits. It is quite evident that even if all the PJIS's projected benefits were realized, PJIS would have required a significant amount of funding other than from LEAA, probably from the City of Philadelphia, before it reached a breakeven point. That amount is estimated to be about \$3,000,000. This is probably a conservative estimate, as the likelihood of full realization of the benefits can be questioned as well. Most of the savings would have come from the transfer of clerical functions to the computer. This almost never happens in the courts, especially in large metropolitan courts, because of the intense pressure to maintain and increase staff.

PJIS was crippled by the LEAA cutback in funds. In light of the cutback and the confidentiality and conflict of interests debates, judicial leaders decided not to seek additional funds either from LEAA or from the City of Philadelphia. While the LEAA cutback influenced this decision, a similar decision would have had to be made two years hence, even had LEAA fully funded the Exemplary Court Project. While city officials voiced support for the project, it is not clear that they were informed of the magnitude of the support required.<sup>8</sup>

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<sup>8</sup>See Exhibits 1 and 2 and discussion in Appendix.

Exhibit 3a Expected Costs of PJIS (in 000s of dollars)



		1974	1975	1976	1977	1978	1979
IBM	High		309	941	1,775	1,943	2,530
	Low		270	679	1,358	1,859	2,236
National Center Estimate *			516	810	946	1,571	1,571

\* See Exhibit 3b for the derivation of these costs. The National Center and IBM estimates, while different, are consistent: IBM estimates were for a larger overall system. The difference in the costs shown here is explained by the fact that the IBM cost was formulated in 1974 in the IBM/CJAC Phase III Joint Study. The National Center estimate, on the other hand, is based on the RFP constructed by PJIS staff in 1976 following further refinement of system needs.

Exhibit 3b National Center Detailed Estimate of PJIS Expected Costs

	<u>1977</u>	<u>1978</u>	<u>1979</u>
CPU (1)	300,000	300,000	300,000
CPU (2)		300,000	300,000
Disc Storage 1,600,000,000 characters	30,000	80,000	80,000
Teleprocessing equipment			
<u>Interim Step</u>			
CRT 100	120,000		
Terminal Printers 29	30,000		
Remote Printers 7	15,000		
<u>Full Capacity</u>			
CRT 184		220,000	220,000
Terminal Printers 102		120,000	120,000
Remote Printers 7		15,000	15,000
Controller	15,000	25,000	25,000
Tape Drives	50,000	100,000	100,000
Line Printers	1,000	1,000	1,000
Software	30,000	50,000	50,000
Personnel	350,000	350,000	350,000
Miscellaneous	<u>5,000</u>	<u>10,000</u>	<u>10,000</u>
	946,000	1,571,000	1,571,000

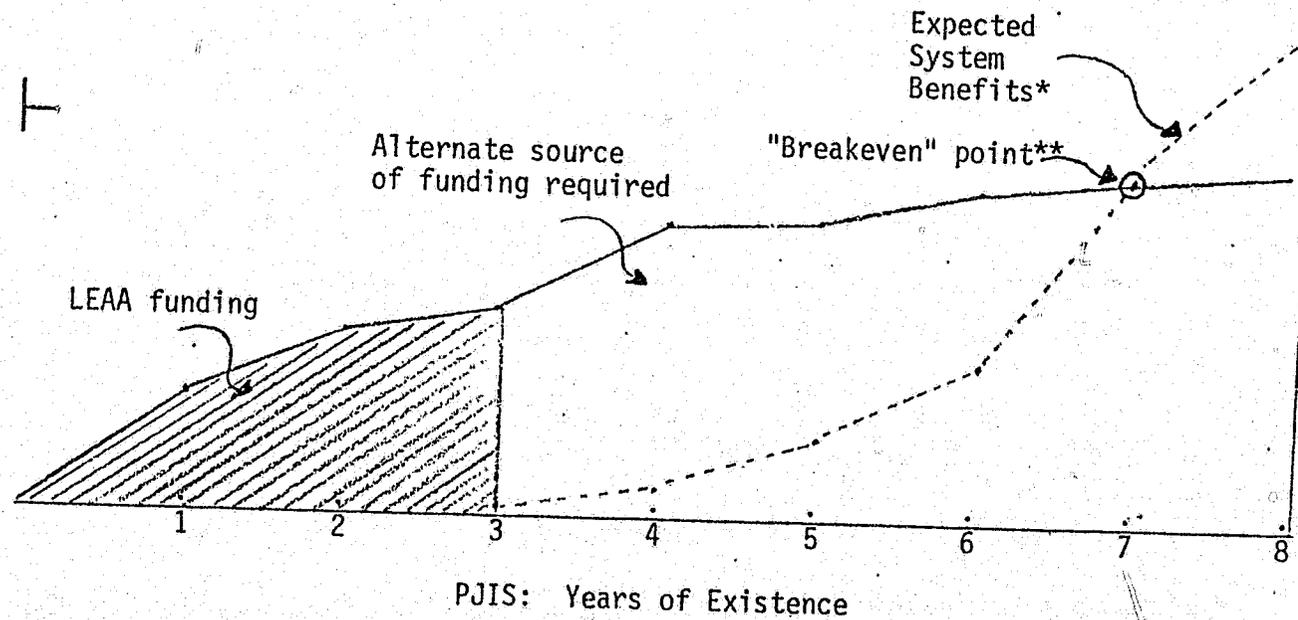
Exhibit 4 A Comparison of PJIS Costs and Expected Economic Benefits

Cost

\$4,000,000

\$2,000,000

18



\* Benefits as shown are calculated as such: 5% the first year of operation; 15% the second year; 35% the third year; 65% the fourth year; and 100% the fifth year.

\*\* A later significant point is that at which saving effected by the system would exceed the development, installation and operation costs. It is probably unwise to attempt a portrayal of this "cost recovery" point because it would be calculated largely on personnel cost savings which may not be realized.

In view of this experience, it is recommended that a more detailed cost-benefit projection be made before any future federally funded project of such magnitude is undertaken.<sup>9</sup> Ideally, both the cost and benefits should be integrated into budget projections. Failing that, a more informal but detailed analysis should be executed.

#### Confidentiality and Privacy

The debate over the confidentiality guidelines was hard on some of the participants. Some thought that giving testimony was akin to facing a police interrogation. Opinions were voiced with fervor, which were interpreted as insults by some. Because of this debate, PJIS was delayed.

The Regional Planning Council Committee's guidelines state that any information captured by the computer is available to the public.<sup>10</sup> The guidelines are intended to mitigate the possibility of extensive dossiers being compiled on the accused, for the capture of such information (even that which is accurate and relevant) is likely to stir public indignation in some quarters. This may in turn stimulate further public debate. Also, because the guidelines do not stipulate any computer hardware or software modifications, they virtually eliminate the possibility of a continuing battle over the adequacy of the protection and access to information captured by computers. The issues of confidentiality in public information systems is now the subject of nationwide discussion and efforts to deal with it are in their early stages. By the formulation of its policy in public debate, the committee has chosen one path, which is worthy of trial and further examination.

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<sup>9</sup>For those interested in a recent source on this subject, see Anthony, R. and Herzlinger R. Management Control of NonProfit Organizations (Richard Irwin, Homewood, Illinois, 1975).

<sup>10</sup>While the Council has issued guidelines, other government efforts are expected to continue work in this area; at present, the Pennsylvania Legislature is considering the establishment of similar guidelines in the same area.

As the public is increasingly aware and concerned with the effect of scientific research and technology on the environment and the quality of life, confrontations like the one over confidentiality guidelines may occur more frequently in the future. Citing massive problems as to proper use of our work force; our waterways; our air; our energy; our technology, Willis Harman in the Incomplete Guide to the Future states that the ultimate challenge facing man today can be summed up as follows:<sup>11</sup>

Now that man has developed consummate skill in technology--the art of how to do things--can he develop equal ability to choose wisely which things are worth doing? This question places us face-to-face with another dilemma. How can we exercise needed societal control over technology .. without sacrificing individual liberty?

Harmon goes on to recommend that large scale technological projects which will have significant impact on the American public -- among which would be a computer-based criminal justice information system -- should be reviewed formally to determine the implications for society (such analysis is referred to as technology assessment).<sup>12</sup> These reviews will be long, trying and costly, but the stakes are sufficiently high to warrant the effort.

#### IBM's Role in PJIS

By accepting IBM's offer to conduct the study preceding PJIS, the criminal justice community by and large guaranteed itself two things. First, the job would be first rate. IBM's staff is among the most competent in industry. Second, the results would reflect IBM's philosophy toward information systems: the use of large scale computers. This is so, not because

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<sup>11</sup> Willis Harman, An Incomplete Guide to the Future (The Portable Stanford, Stanford, California, 1976).

<sup>12</sup> Ibid.

of any nefarious design, but simply because "IBMer" are trained in the use and implementation of large scale systems. While IBM does market some small computers, its corporate focus is on the large computer area. One expert believes IBM's presence in the computer industry (it sells about 80% of the large computer systems) makes possible a corporate strategy of trying to control the shape of computer technology so as to make the market hospitable to large computers.<sup>13</sup>

During the confidentiality hearings, members of the black community questioned IBM's participation in PJIS because of its ownership of production facilities in South Africa. That an international matter became a local issue is not new to American politics.<sup>14</sup> The charge against IBM delayed the progress of PJIS, but is one of the issues which may have to be faced in the implementation of any large controversial public project.

#### The Discontinuation of the On-Line Booking System

Inherited from another project, the On-Line Booking System was modified and brought on line by the PJIS staff. As such it represents one of the project's solid accomplishments. In autumn 1977 the police discontinued support of the system, and its operation was terminated. While the police decision was no doubt based in part on the tentativeness of PJIS, their defection is a reminder that the criminal justice community is comprised of a number of different government units -- police, courts, prosecutor's office, probation, etc. -- and that the withdrawal of any one of these units from a comprehensive system severely limits its effectiveness.

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<sup>13</sup>Planning Seminar, John F. Lockhart, Senior Lecturer of Management, Sloan School, Massachusetts Institute of Technology, attended by William Popp, Senior Staff Associate of National Center, June, 1976.

<sup>14</sup>At the time of Irish dominance of Tammany Hall in the late 1800's politicians often ran against the King or Queen of England. In the 1977 campaign for the mayoralty of New York City, a city which faces serious internal problems, a good deal of the campaign rhetoric concerned itself in Middle East issues.

## The Use of the Phrase "Criminal Justice System"

Journalists, court and police officials, as well as federal planners, all use the term criminal justice system to denote the activities of the government units concerned with the processing of those accused of crime. The implications of the use of that term are enormous. It has spurred a multitude of efforts to bring this work together. LEAA's entire comprehensive system policy is based on this term. Many observers of this activity see something quite different and paradoxical: a loose confederacy of government units, oftentimes with conflicting goals, going about their work in pretty much the manner they see fit.

One problem with the "system" approach is posed by the separation-of-powers concept central to our philosophy of government. Furthermore, the interaction of police, prosecutors and courts through an LEAA-funded information system involves relations across federal, state and local levels of government. The differences in roles and responsibilities thus arising do not promote treatment of the criminal justice system as a unity.

These observations bring to mind a number of questions. In the face of conflicting goals within the criminal justice community, how long can the various components be expected to work in harmony toward implementation of an integrated computer-based criminal justice system? 3 years? 5 years? 10 years? Once the system becomes operational, what would be the effect of the defection of one of these units? Is there really a criminal justice system? If not, is it desirable that the assemblage be called a system?

### Conclusions

PJIS implementation was delayed by a number of factors -- a lengthy personnel recruiting period, caused by difficulty in applying EEO guidelines; the drafting of confidentiality guidelines; a debate over the appropriateness of the participation of a computer manufacturer. These problems

could have been overcome. A more serious problem was the withdrawal of police support for the On-Line Booking component of PJIS; this, however, occurred in the fall of 1977, when all signs pointed toward the termination of the project. The LEAA funding cutback after the first of three expected grants was a serious problem and in fact contributed significantly toward the death of PJIS. Even if PJIS had been fully funded by LEAA, however, it is by no means certain that the project would have succeeded. After LEAA funding was exhausted, the City of Philadelphia would have had to assume the system's costs -- some two million dollars a year. Although the city expressed a willingness to support the system, it is not clear that the city would have shouldered this financial burden until the system became self-supporting.

### III. Options for the Future

PJIS is dead. What now? A number of officials in the Philadelphia criminal justice community asked us for ideas for the future. While a lively and unresolved debate continues on the merits of different types of computer networks, three options are discussed, as follows:

- The use of a large centralized computer system.
- The use of small computers, normally called mini or micro computers.
- The employment of small-scale information processing technology.

#### The Use of a Large Centralized Computer System

This option is essentially a repeat of the PJIS effort.<sup>15</sup> As was indicated earlier, financing is a key aspect of such an effort. Much more detailed financial analysis should precede a similar effort. If a federal agency is to support the work, a guarantee of multi-year funding should be sought.

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<sup>15</sup> For a review of the current state of court computer systems, see B. Kreindal, et al., National Evaluation Program, Phase 1 Report, Court Information Systems, MITRE, August 1976; for a shorter report of much the same material see M. Kuykendall and W. Popp, "Computers and the Courts", State Court Journal, Summer 1977.

If such an arrangement is not possible, detailed fall-back procedures to cover the possibility of reduced (or the complete termination of) funding should be drafted. At minimum, this document should be disseminated to all concerned policymakers; if at all possible, assurances in writing should be secured for discrete amounts of alternate funding. In general, provisions for adequate funding should be the cornerstone on which the project is built.

Since such an effort should take from four to seven years to consummate, continuity of leadership is an important factor. The defection of a single organizational component could kill the project. As shown above, many unforeseen events may occur and must be dealt with; ideally then, the leaders who propose the idea should be prepared to see it through to its conclusion. Sometimes, however, this is not possible; but to the extent leadership changes occur, they may weaken the project's chances for success. At the very least then, recognition of this factor must be taken into account at the outset of the project.

The potential technical problems should not be given short shrift either. Staff must be hired, motivated and at times fired. Schedules must be met. Adjustments to the original design may have to be made. These problems require constant and thoughtful consideration, but they can be dealt with. What is critical to their resolution over a long period of time is strong management and adequate financing.

### The Use of Minicomputers

Fifteen years ago, perhaps ten corporations sold computers. Today, at least 100 firms manufacture or assemble this equipment with the cheapest models being widely offered for sale. In five to ten years, small computers may become a household necessity. This has come about due to the sharp reduction in the cost of electronic components. Hand calculators which cost \$150 ten years ago

cost \$15 today, and since the components for computers and hand calculators are almost identical, computer costs have fallen by a proportionate amount.

Over the last two to three years, many small businesses (\$1-2 million in sales, 30-50 employees) have taken advantage of this trend by acquiring a "starter" model computer which typically costs \$20,000-\$30,000 to purchase or \$1,000-\$1,500 per month to rent. Most analysts expect this market to expand very rapidly. Some courts, police and other members of the criminal justice community have acquired this type of computing capability as well, although not in as great a number as have businesses.

While some aspects of these computers (mainly the software--programming languages, etc.) used to be suspect, the reliability now by and large approaches that of the large, established manufacturers; this statement is unquestionably true of the more established "mini" manufacturers.

In Philadelphia, these machines might be employed by allocating one to each of the major components of the criminal justice community--police, courts, etc. The computer would process the entity's own information, making it available on TV-like displays and in printouts for internal use, and would cull out information needed by other members of the community. While the job of transferring information from government unit to government unit can be done in a technically elegant manner through the use of what are termed distributed networks, it would probably be best done at the outset by a rudimentary procedure, such as placing the information in a magnetic tape or disc for subsequent use by another unit.

In most cases, economics speaks for the use of small computers. There is another issue to consider as well: control of the computer resource. By having their own computer, for example, the courts would be able completely to

control the development and use of this resource, subject of course to compliance with the confidentiality guidelines. As a practical matter, control of a project makes its implementation easier (i.e., if it fails, fault can be localized). More importantly, control of information eventually relates to the independence of the unit. The more control, the greater likelihood of continued independence.

### The Employment of Small-Scale Information Processing Technology

In looking toward the future, the criminal justice community must face a number of hard but inescapable facts. There will always be intense pressure to create or, at minimum, maintain jobs. In Economic Policy Beyond the Headlines (Portable Stanford, 1977), George Schultz, the former Secretary of Labor, refers to the "equity vs. efficiency" issue -- that is, government is at the same time expected to remedy ills of society and be efficient. It usually cannot do both. People need jobs. Others want to streamline government. Oftentimes the jobs stay.

Also, many criminal justice jobs generally do not pay well. Often, the police, courts and others must make do with less trained staff than is desirable. One way to deal with these factors is to take a low-technology approach, which, as espoused by Schumacher in Small is Beautiful (Harper & Row, 1973), might be applied to case-scheduling work in the following way. Defer the attempt to develop on the computer a routine to provide conflict-free scheduling. Assign a number of case schedulers to track cases and resolve conflicts. Each might have access to a computer terminal which would inform him or her of the status of the case. Equipped with a phone, access to relevant

case information by computer terminal, and their own instincts, case schedulers would go about the task of keeping the business of the courts -- cases -- moving.

This may not be the best example, but is given with the intent of describing this approach: use the computer, but do not ask it to do everything; build simple computer routines; use human talents more extensively.

PHILADELPHIA JUSTICE INFORMATION  
SYSTEM (PJIS)

Evaluation Source Documents

IBM Corporation, "Philadelphia Information" IBM/CJAC Phase III Joint Study, Vol 1 - Executive Overview (1974).

Anthony, R. and Herzlinger, R., Management Control in NonProfit Organizations (Richard Irwin, Homewood, Illinois, 1975).

Harman, Willis, An Incomplete Guide to the Future, (The Portable Stanford, Stanford, California, 1976).

The Confidentiality Committee of the Philadelphia Regional Planning Council of the Governor's Justice Commission, Report Accompanying the Final Recommended Rules on Standards and Safeguards for the Privacy, Confidentiality and Security of Information in the Philadelphia Justice Information System (April 15, 1976).

Philadelphia Court of Common Pleas, Request for Information: Philadelphia Justice Information System (January 1, 1976).

Schultz, C. and Dam L., Economic Policy Behind the Headlines, (Portable Stanford, Stanford, California, 1977).

Schumacher, E.F., Small is Beautiful (Perennial Library, Harper & Row, 1973).

Further information relating to this program was obtained from interviews and from the general source documents listed above, at the beginning of this report.

DISTRICT ATTORNEY'S  
MANAGEMENT INFORMATION SYSTEM  
(DAMIS)

## DISTRICT ATTORNEY'S MANAGEMENT INFORMATION SYSTEM (DAMIS)

The fortunes of the District Attorney's Management Information System (DAMIS) and Philadelphia's Justice Information System (PJIS) are by necessity closely linked for the idea for each was conceived at much the same time in the early 1970's and took form in the following years. The two became inextricably bound in 1974 when the decision was made that DAMIS would become a component of PJIS. Even after PJIS was largely abandoned, the linkage remained, for speculation centered on DAMIS becoming the core of a scaled down PJIS-like criminal justice information system. Because of this relationship, it is helpful to become familiar with the background of PJIS before considering the following assessment of DAMIS (see PJIS evaluation above).

### I. History and Present State of DAMIS

#### What is DAMIS?

In operation, DAMIS is a collection of 14 computer terminals tied by telephone lines to a central computer data base. It collects and stores information on active and disposed cases handled by Philadelphia's District Attorney's Office. Clerks in the District Attorney's Office enter information by means of video typewriter terminals, which also can be used to inquire about the status of cases; the system produces a number of printed reports as well. The information is currently processed by the court computer. If PJIS had been fully developed, DAMIS would have been housed in the PJIS computer.

#### History of DAMIS

Cognizant of the need for improved processing of case paperwork, the District Attorney's Office in autumn 1972 secured the services of a MITRE Corporation analyst to design an automated information system. Funded by LEAA's National Institute of Law Enforcement and Criminal Justice, the

analyst studied the existing system and completed the system design in August 1974. Based on the PROMIS system in the District of Columbia and the Philadelphia courts' existing computer system, the system design was more ambitious in scope than was the original PROMIS design providing for terminal based data entry and inquiry, turnaround documents and a significant number of printed reports. While initial plans called for DAMIS to be tested and operated as a separate entity on the court computer, the District Attorney's Office and the PJIS policy board planned that eventually DAMIS would become an integral part of PJIS. Both systems were to share the use of the same data base and to be run on the same computer.

A three-phase implementation was scheduled. Delayed by a number of factors including the startup problems which plagued PJIS, DAMIS first phase programming work began in early 1975 and was completed in mid-1976. Brought into working status during this time were a data entry segment, allowing clerks to start entering case information via terminals, a case status inquiring segment and a case disposition report. Requiring additional programming work to eliminate technical problems, this report is not now operational.

Overlapping somewhat with the Phase I implementation, Phase II began in late 1975 and is continuing to the present. Scheduled to be completed during Phase II were the bulk of the printed reports and the turnaround document. Some of the printed reports were considered operational in the fall of 1976, but at present only the turnaround document can be requested from the system. All of the reports need programming work, ranging from minor changes to major design efforts. The LEAA funding cutback of the exemplary project has slowed the work considerably as DAMIS programming staff was reduced from three to one. Compounding the problem was the resignation of a large number of PJIS programmers, who worked closely with DAMIS staff.

For three weeks in February 1977, an attempt was made to transfer some of the manual operations to DAMIS; this effort had to be aborted as the data entry staff could not keep pace with the system's information requirements. The shortfall in personnel resources has not yet abated, since at present only selected portions of the automated case information files are being maintained. Exacerbating this situation was the police discontinuation of the On-Line Booking System in the autumn of 1977. This forced the District Attorney's Office to enter manually the initial information on the accused which was formerly available in automated form from On-Line Booking. Efforts are being made to correct this problem by gathering this information in automated fashion from the new Municipal Court Automated Transcript System.

Phase III was to be a planned refinement period for DAMIS, but as the system is not yet fully operational, this phase has not yet commenced.

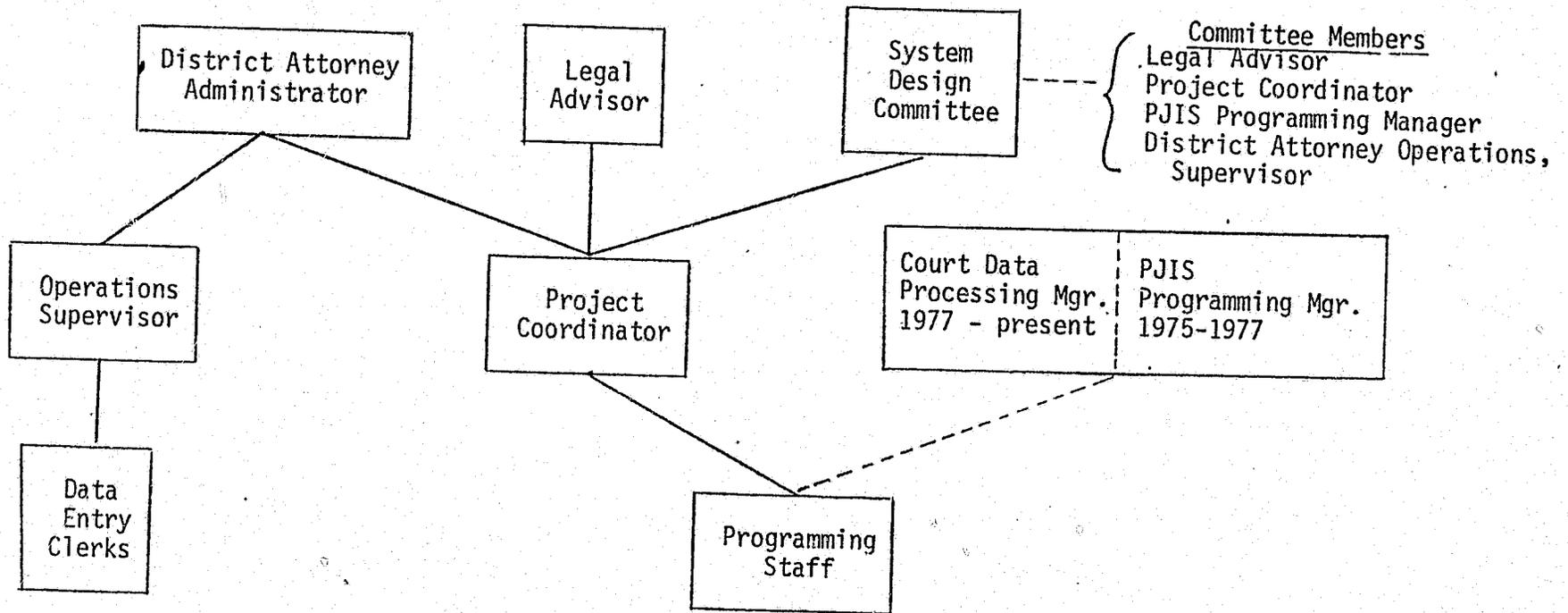
#### Status of DAMIS

Because the data entry staff is too overburdened to enter all of the required information, only part of the case files are being maintained. One programmer is available for development and redesign work, and for maintenance. Few reports are currently available from the system. But for a rare terminal inquiry, the assistant district attorneys do not use the system. The system is marginally operational.

#### II. Commentary

As shown in Exhibit 5, responsibility for the DAMIS project is divided among a number of individuals. The project coordinator reports to an administrator for administrative matters and to a legal advisor for substantive matters. The coordinator receives system design guidance from a committee of

Exhibit 5 DAMIS Organizational Structure



which he is a member. The programming staff also reports to two heads, receiving policy guidance from the project coordinator and technical guidance at present from the court data processing manager and up until last year from the PJIS programming manager. While the District Attorney is ultimately responsible for the management of the project, no such central authority exists to guide day-to-day operations. As organizational theory is more art than science, it is certainly not necessary that a single individual be responsible for all aspects of DAMIS. Nor should the project be necessarily structured along rigid hierarchical lines. However, the present structure is much too close to the other end of the organizational structure spectrum, i.e., a diffuse setup. Centralizing control to some degree should improve the management of the project.

Funding too has come from a number of sources. Exhibit 6 shows that since 1973 various aspects of DAMIS have been paid for by LEAA through the exemplary court project, through the local regional planning council by way of action grants, and through the National Institute of Law Enforcement and Criminal Justice; by the State of Pennsylvania by way of matching funds for LEAA grants; and by the City of Philadelphia. Receiving funds from a multitude of sources should not have a deleterious effect on a project, except that time must be taken from other matters to fulfill the administrative requirements of the funding bodies. However, overlaying a somewhat diffuse organizational structure with this additional level of complexity may have further weakened the project.

Total costs are listed in Exhibit 6 at \$671,000, but this figure includes only documentable costs. The project in addition received support

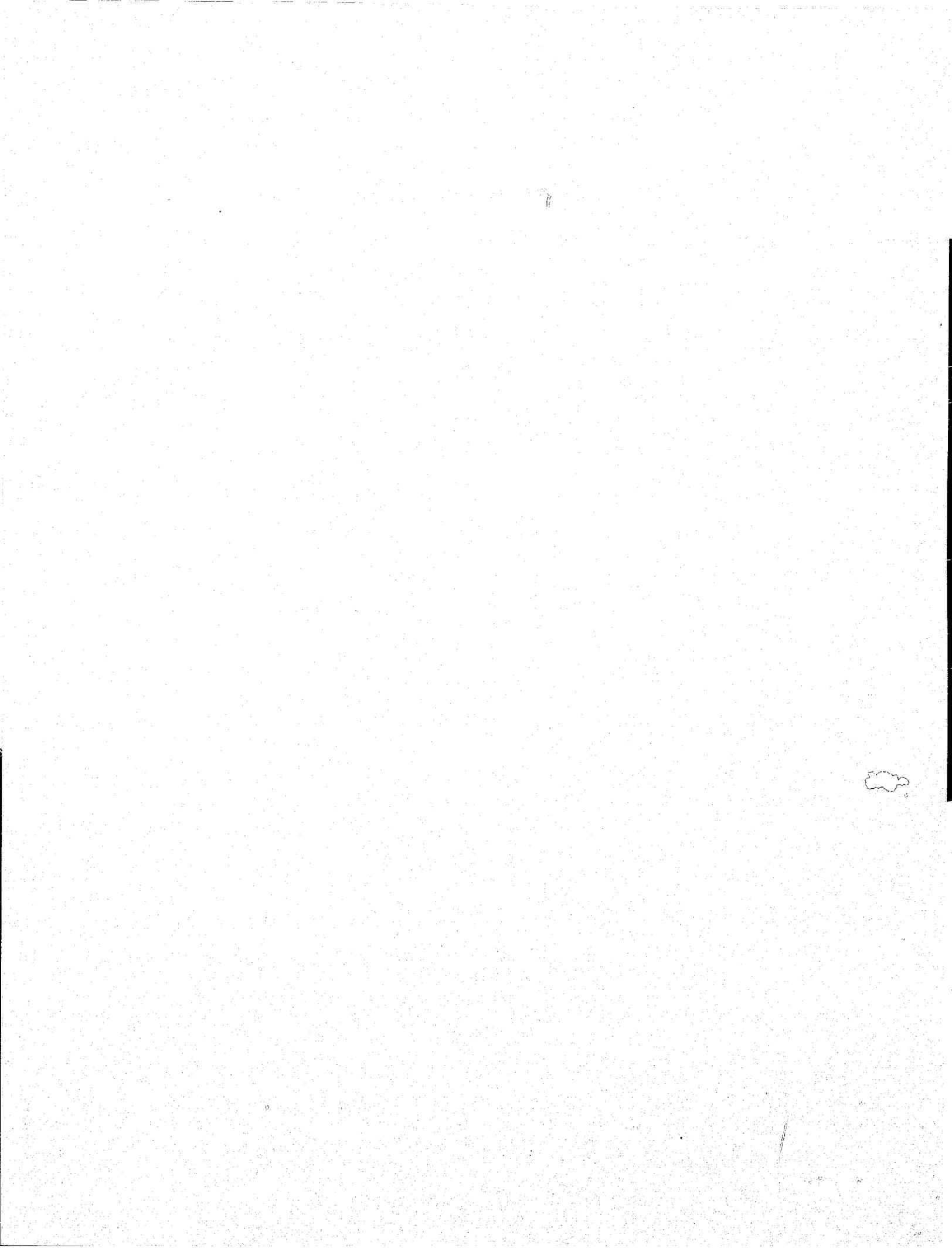


Exhibit 6 Sources of DAMIS Funds\*

Sources of Funds	Fiscal Years (July thru June)					Total
	1973	1974	1975	1976	1977	
Exemplary Court Project	--	--	--	84,800	80,100	164,900
Regional Planning Councils Action Grant	--	19,300	56,00	88,100	67,700	231,100
LEAA's National Institute of Law Enforcement and Criminal Justice	17,000	24,000		--	--	41,000
State of Pennsylvania	--	--	--	5,900	3,700	9,600
City of Philadelphia	<u>2,800</u>	<u>4,000</u>	<u>14,700</u>	<u>71,000</u>	<u>131,900</u>	<u>224,400</u>
	19,800	47,300	70,700	249,800	283,400	\$671,000

\* As of the beginning of 1978, the City of Philadelphia has assumed all of the costs of DAMIS.

in the form of the absorption of some of DAMIS' overhead expenses by the courts and the District Attorney's Office and in the form of free computer time and technical assistance from the court's data processing department. Thus, the total can be reasonably placed at least \$700,000.

### Conclusions

This amount, \$700,000, has bought a marginally operational system. Operations staff, because of the high workload, can enter and update only a portion of the information called for in each case in the system's files. As the one full-time project programmer is assigned to both development and maintenance work, little, if any, work can be accomplished in either area. If the system were becoming more effective, it might be worthwhile to adopt a wait and see attitude. DAMIS, however, is not becoming more effective; it is simply sliding sideways. Hence, it makes little sense to maintain current operations. It is therefore recommended that the District Attorney's Office either commit the additional necessary resources to make the system work or discontinue DAMIS's operations.

### III. Options for the Future

Should policymakers in the District Attorney's Office decide to continue the present technical effort, they should, as mentioned earlier, centralize the project management with an eye to obtaining more top management guidance and commit adequate resources to make the system work.

Should a decision be made to discontinue DAMIS, these options are worth considering for the future:

- implement the system on a small self-contained computer (see PJIS section for a discussion of this subject.)
- reduce the number of data items stored on each case. (One strategy would be to concentrate a number of key milestone points

in the life of a case. The reduction would ease the data entry problem.)

- acquire the Institute for Law and Social Research's (INSLAW) PROMIS computer system.<sup>16</sup>

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<sup>16</sup>Institute for Law and Social Research, 1125 15th St., N.W., Suite 625, Washington, DC. The system is well-known and is operating in many different forms in district attorney offices throughout the nation.

DISTRICT ATTORNEY'S MANAGEMENT  
INFORMATION SYSTEM (DAMIS)

Evaluation Source Documents

Memorandum on DAMIS capabilities, from John Foulkes, DAMIS Project Coordinator, to Thomas Butler, Deputy District Attorney, November 15, 1976 (updated 4/13/77.)

Working papers on costs and progress of DAMIS, provided by John Foulkes, DAMIS Project Coordinator.

Letter dated January 31, 1978 from John Foulkes, DAMIS Project Coordinator, to William Popp, Senior Staff Associate, National Center for State Courts. Subject: January 16, 1978 DAMIS evaluation draft.

Further information relating to this program was obtained from interviews and from the general source documents listed at the beginning of this report.

PRETRIAL DIVERSION:

PROJECT INTERCEPT

## PRETRIAL DIVERSION:

### PROJECT INTERCEPT

Project Intercept was established to enhance prosecutors' capacity to identify people who should be diverted from further involvement in the criminal justice system, and to help make available to those diverted a broader range of rehabilitation services. The program's principle focus was to be on diversion decisions by the district attorney in cases not primarily involving drugs or alcohol. (For information relating to the number of cases affected by district attorney screening and diversion decisions, see Exhibit 7 below.) Program staff were to assist the prosecutor in selecting and screening people for diversion, were expected to improve the process of determining what services are most appropriate for each individual, and were to provide an improved referral network with expanded resources. An evaluation unit was created to provide management feedback and to assess the impact of diversion services.

#### I. History and Present State of Project Intercept

Project Intercept did not introduce diversion to the Philadelphia criminal justice system. In 1974, prior to the initiation of ECP, 12,000 people were diverted through three programs--"Philcourt," "Accelerated Rehabilitative Disposition (ARD)," and a program for those driving while intoxicated. Project Intercept was conceived essentially to supplement the former Philcourt and ARD programs on an expanded, more coordinated level. Among the deficiencies seen in the pre-existing programs were (a) undesirable delay from arrest to the diversion decision; (b) inadequate information about potential divertees' social or psychological problems; (c) absence of means to test the validity of diversion

Exhibit 7DA Screening and Diversion of Criminal Arrests\*  
(Monthly Averages, January - October 1977)

Municipal Court Cases	Number of Cases (Monthly Average)	Comment
Arrests reviewed	2117	70.2% of all arrests reviewed were MC cases.
Prosecution discharged at preliminary arraignment	299	Prosecution was discharged or withdrawn for over one-third (34.5%) of MC arrests reviewed.
Prosecution withdrawn by screening DA	430	
Diverted by DA at NTCH**	157	More than one-third (35.8%) of all MC arrests reviewed were disposed by diversion of some form.
Diverted by court and referred back to NTCH**	236	
Drunk driving diversions by court	308	
DA diversion to NEXUS	54	
Scheduled for trial	633	More than seven MC arrests in ten were disposed before being scheduled for trial.

Felonies	Number of Cases (Monthly Average)	Comment
Arrests reviewed	898	
Approved for diversion by screening DA	29	These consisted of such situations as first-offense juveniles "joy riding" with a stolen car, assaults on police responding to family disputes, and cases where the offender offered restitution or the victim supported diversion.
Diversion rejected (cases proceeded to preliminary hearing)	869	Almost all (96.8%) of the felonies screened were not diverted before the preliminary hearing.

\* Source: Statistics provided in evaluator's January 1978 interview with Thomas Gilson, Esq., Assistant District Attorney, Philadelphia District Attorney's Office.

\*\* NTCH = Non-Trial Conference Hearing conducted by an assistant district attorney.

criteria or to identify the most appropriate services for each divertee; and (d) an inadequate referral system, with available rehabilitation resources not fully identified.

As an effort to address these deficiencies, Intercept was included in Philadelphia's ECP application for federal funding with a projected three-year budget of almost \$1.5 million. Because of delay in completing Phase I of the exemplary project, followed by a sharp reduction in continuation funding, LEAA support of the program during the three-year life of ECP totalled only about \$485 thousand (32 % of the projected amount). Other expenses of Intercept were absorbed by the Adult Probation Department, the District Attorney's office, and the office of the Clerk of Quarter Sessions.

As originally contemplated, ECP funding was to provide for 26 new staff positions under the Intercept program. In the draft version of the grant application for the second phase of the subproject, the number was to be increased to 29 staff members. But as ECP was about to begin, complaints were received that the Philadelphia court system was not in compliance with federal EEO requirements. Efforts to assure EEO compliance in hiring delayed completion of Intercept's first phase from July 1975 to July 1976. (Problems associated with Intercept hiring delay were compounded in the summer of 1975, when Intercept's merger of the old Philcourt and ARD programs caused 8-10 people to leave the probation department because of uncertainty whether their salaries would be paid.) When federal funding was cut back, the number of Intercept people to be paid from ECP funds for the subproject's second phase was reduced from 29 to 14. The salaries of several key people were absorbed by the city, with other positions left unfilled or lost by attrition.

Project Intercept had two components within the Adult Probation Department. Its operational component consisted of social workers and paraprofessionals engaged in screening, referral and counseling under the Intercept director, who also served as director of the Diversion Services Division--the organization resulting from merger of Philcourt and ARD. Intercept's research component, functioning in the Probation Department's Research and Planning Unit, developed and implemented a research design to test the impact of diversion services. A beneficial consequence of the coordination between these components was the refinement of diversion's management information system to monitor workloads and assist program management, making for a fuller integration of diversion services and providing means to measure program accomplishments.

A sample of divertees at the NTCH (slightly more than half of those diverted) were randomly assigned to either "reporting" or "non-reporting" diversion. Under a quasi-experimental research design carried out by Intercept's research component, divertees in the sample were divided into two classes: those receiving diversion services ("reporting" divertees) and those receiving no such services ("non-reporting" divertees). The primary question addressed by the research effort was whether the provision of diversion services causes decrease in recidivism. The research design sought to measure results for 1,600 people diverted at NTCH over a one-year period. For purposes of comparison with these results a base-line study was done in spring 1976 of recidivism rates for past years of the Philcourt and ARD diversion programs.<sup>17</sup> Implementation of the design was begun in September 1976. Results of data analysis are expected to be completed in mid-1978.

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<sup>17</sup>See "Base-Line Study" (1976).

Another primary feature of the research effort was a cost-benefit analysis of Intercept. A cost analysis report, comparing costs of sending a defendant through reporting or non-reporting diversion with the cost of sending a person through the more traditional criminal justice process (trial in Philadelphia Municipal Court with possible incarceration and parole), was completed in May 1977.<sup>18</sup> Analysis of diversion benefits is to be completed in 1978.

Intercept was intended to have an impact on the diversion process in several specific ways. Before ECP began, cases took from four to six weeks to be processed from preliminary arraignment to a diversion conference hearing. Intercept's introduction of new screening and selection procedures and coordination of district attorney and diversion services activities have helped to reduce this time to about ten days.<sup>19</sup> This, together with Intercept's addition of staff (including some volunteers provided by the ECP court volunteer services) has resulted in more immediate provision of services to "reporting" divertees. As an additional benefit of the coordination between operational and research staff, program leaders hope that information gathered during initial and follow-up interviews will aid in determining what services are most helpful for particular kinds of divertees and whether screening methods are effective in evaluation and classification of defendants at the beginning of the diversion process.

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<sup>18</sup>See "Cost Analysis Report" (1977).

<sup>19</sup>An atmosphere for expediting all phases of the criminal justice process has been created by Pennsylvania's speedy trial rule, which requires that felony prosecutions take no more than 180 days from arrest to final disposition, and that misdemeanor prosecutions take no more than 120 days. Commonwealth of Pennsylvania, Supreme Court, Rules of Criminal Procedure, Rule 1100.

In keeping with the spirit of Rule 1100, the Pennsylvania Supreme Court held in Commonwealth v. Davenport, \_\_\_ Pa. \_\_\_, 370 A.2d 301 (1977), that an accused must be given a preliminary arraignment within six hours after arrest.

### Present State

With the conclusion of ECP the Intercept Program has been absorbed by Philadelphia's criminal justice system. As noted above, the director of the subproject is overall director of diversion services for the Adult Probation Department, and six of the division's 40 social workers are former Intercept staff. Intercept's researchers are completing the subproject's research design as permanent staff of the Department's research and planning unit. The salaries for an assistant district attorney and supporting staff have been added to the budget of the District Attorney's Office; the Clerk of Quarter Sessions did not assume the salaries of the other two ARD clerks at the conclusion of ECP, so that these positions no longer exist.

Probation staff work with District Attorney's office and with the office of the Clerk of Quarter Sessions. Operating under internal screening and diversion criteria, an assistant district attorney identifies cases in which a conviction is likely to be obtained, then decides which of these may be proper for diversion. Generally, those selected for potential diversion are first or second offenders charged with misdemeanors. (For information relating to the number of cases affected by district attorney screening and diversion decisions, see Exhibit 7 above.) The files of potential divertees are screened by Intercept staff for social or psychological problems for which social services are available. The potential divertees themselves may then be interviewed by Intercept workers, who make written recommendations about diversion possibilities to the assistant district attorney. At a Non-Trial Conference Hearing (NTCH), the assistant district attorney discusses the possibility of informal diversion with defendants, who may be represented by retained counsel or an assistant public defender.

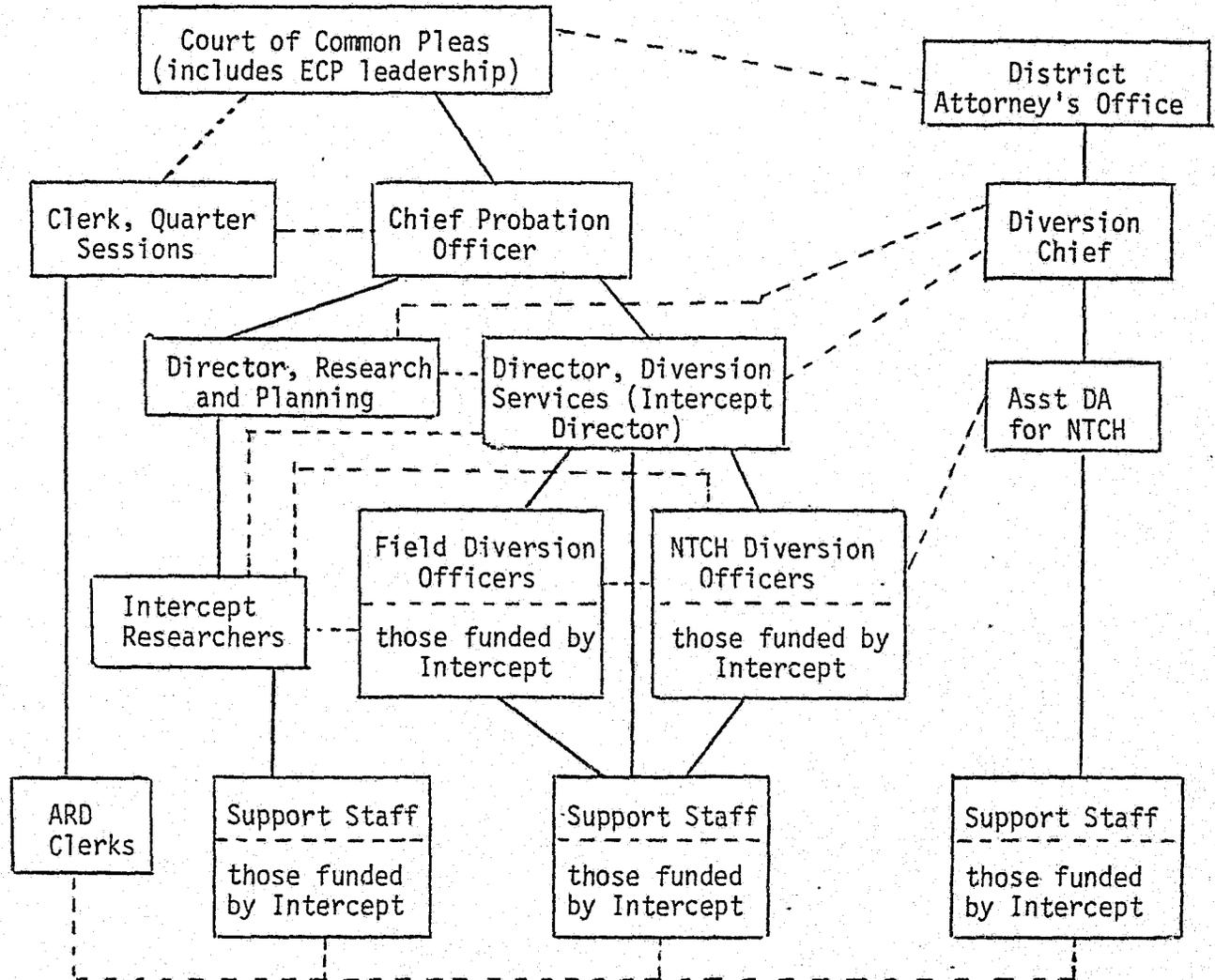
## II. Commentary

The organization of staff for Project Intercept can only be understood in light of the overall relations between the Court of Common Pleas and the District Attorney's Office. If one were to prepare an organization chart for Intercept based on these relations during the course of ECP, the chart would resemble that shown as Exhibit 8.

A specialist in organizational theory might see serious problems in this pattern of relationships because of its diffusion of authority and responsibility. Yet, because of the Adult Probation Department's pre-existing cooperative relations with the District Attorney's Office and with the Office of the Clerk of Quarter Sessions, insuperable problems of communication and cooperation did not arise.

Before his departure in January 1978, the Chief of screening and diversion in the District Attorney's Office worked closely with the Adult Probation Department in the policy development, research implementation and operation of Intercept. The assistant district attorney who makes diversion decisions and conducts non-trial conference hearings spoke highly of the assistance given him by the director of diversion services and the diversion staff. Yet he was unaware of any way in which Project Intercept was distinguishable from the old ARD program, and he did not know that researchers reviewing case files were collecting data for Project Intercept.

In the Office of the Clerk of Quarter Sessions, assistant clerks handling files for diverted cases are referred to as "ARD" clerks. As Exhibit 8 indicates, the person responsible for Project Intercept is director of all diversion services, without direct authority for those implementing the program's research



Legend

- Operational Authority
- - - - - Communications

design. As the exhibit further suggests, there appear to have been few ways in which the functions of diversion staff funded by Intercept could be distinguished from those of other diversion staff. In effect, Intercept appears to have been conceived, at least in part, as nothing more than a means to provide federal funding -- either to continue salaries of staff funded under prior grants or to provide salaries for incremental additions to staff -- in the Adult Probation Department, the District Attorney's Office, and Quarter Sessions. On the other hand, Intercept enabled the Probation Department to bring greater consistency and uniformity to diversion activities formerly divided among several programs, thereby enhancing considerably the overall administration of diversion services.

#### National Standards

The National Advisory Commission's Courts Standard 2.2 sets out suggested general criteria for diversion, the first of which is that there must be a substantial likelihood of convicting the accused. This is considered a critical factor for the Philadelphia District Attorney; those cases for which conviction is unlikely are assigned to a nolle prosequi status, with diversion considered only for those cases in which conviction would be more certain.

An indicator that has been suggested as a measure of the extent to which this policy is applied in practice is the percentage of diversion clients whose cases are dropped even after unfavorable termination of diversion, suggesting that there may initially have been a weak prosecution case.<sup>20</sup> In Philadelphia during the ECP period, very few divertees were prosecuted on the charges leading to the diversion decision after unfavorable termination of

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<sup>20</sup> Loh, "Pretrial Diversion from the Criminal Process," 83 Yale L.J. 827, at 851-52 (1974).

diversion. But prosecutions were most often dropped on original charges because of the most common reason for unfavorable termination of diversion -- rearrest of the divertee. With a fresh case to prosecute, the district attorney's decision not to prosecute the earlier charge is more often based on pragmatic considerations than on the merits of the earlier prosecution case.

Those diverted through Intercept are almost always first offenders charged with crimes to be prosecuted in Philadelphia Municipal Court, which has jurisdiction of offenses punishable by imprisonment for up to five years. Offenders to be prosecuted in the Court of Common Pleas (the trial court of general jurisdiction) are diverted much less frequently. Diversion only of neophytes charged with lesser offenses is generally consistent with the factors identified in the NAC Standard as unfavorable to diversion (e.g., history of physical violence, ingrained crime habits, or special need to pursue prosecution). But it also establishes a pattern whereby the diversion process only treats "low-risk" offenders, without having the process tested by efforts to help "high-risk" offenders. Project Intercept's research investigation of the impact of pre-trial services on diverted offenders may give evidence whether the benefits of such services merit the social and political risk of experiments in broader service-delivery to persons charged with more serious offenses.<sup>21</sup>

The NAC standard recommends that psychological or social problems possibly associated with offenses charged be considered as factors affecting the diversion decision. Improved screening techniques have been introduced through Intercept:

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<sup>21</sup>See National Center for State Courts, An Evaluation of Policy-Related Research on the Effectiveness of Pretrial Release, with Appendix C (under separate cover), Policy Makers' Views Regarding Issues in the Operation and Evaluation of Pretrial Release and Diversion Programs: Findings From a Questionnaire Survey (April 1975).

the program's staff review files, interview accused persons, and have the assistance of a consulting psychiatrist available before the trial diversion decision is made by the prosecutor. These improved screening methods bring to the prosecutor's attention a broader range of relevant considerations, including social and psychological factors, than was possible before Intercept.

Another National Standard relating to diversion is NAC Courts Standard 2.2, which presents recommendations regarding diversion procedures. One of these is that prosecutorial guidelines for diversion decisions be established and made public. While the Philadelphia District Attorney has internal guidelines for diversion, it is not clear that these have been made available for public scrutiny, perhaps because such public exposure is seen as a potential hindrance to the exercise of prosecutorial discretion. In keeping with the spirit of NAC recommendations, however, prosecutorial diversion decisions are made in writing after non-trial conference hearings, at which an assistant district attorney presents diversion as an option to defendants and counsel.

A further recommendation by Standard 2.2 is that diversion decisions be made as soon as adequate information has been obtained. With increased staff and enhanced procedures made possible by Intercept, the elapsed time from arrest and pre-arraignment hearing to diversion hearing has been reduced from 4-6 weeks to an average of about 10 days. Of course, a direct consequence of this time reduction has been quicker delivery of social services to diversion clients so assigned.

### Other Evaluative Criteria

Intercept staff have sought to improve the range and efficiency of the referral network used by the diversion services division in making community resources available to aid clients. In at least one area, however, optimal use has not been made of community resources. The ECP grant application stated that volunteers from Court Volunteer Services would be used to provide additional personnel resources for diversion. But it appears that volunteers have made only a limited contribution to diversion activities, and volunteer assistance to diversion services may be de-emphasized for want of requests for volunteers. Whatever the reasons for this development, it may be desirable for Court Administration and the Adult Probation Department to explore broader use of volunteers in diversion, thereby enhancing both diversion services and court volunteer services.

From the beginning of the exemplary project, Intercept's research component has been an integral part of the program. Research staff did a study of record-keeping, data analysis procedures and reporting activities of the diversion services division that resulted in recommendations for development of a management information system to monitor workloads and aid planning. In addition, this study served the Intercept research design by enabling researchers to measure program accomplishments. Two significant side benefits of the information system and the implementation of the research design are (1) improved ability to measure the effectiveness of practices for matching clients with services, and (2) improved follow-up with clients, to determine the effect of diversion generally and of specific types of service.

The research effort was designed to measure the broader impact of the Intercept program.<sup>22</sup> To assess the effect of diversion services from the perspective

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<sup>22</sup> For comparison, see Abt Associates, "Pre-Trial Intervention. A Program Evaluation of Nine Manpower-based Pre-Trial Intervention Projects Developed under the Manpower Administration, U.S. Department of Labor" (Precis of Final Report, July 31, 1974).

of the community's goal to reduce crime, data has been collected for a comparison of recidivism rates between persons diverted but given no social services and those diverted with services. To see what impact diversion services had on the lives of individual defendants, data has also been gathered to compare the same two groups to see whether there has been any significant difference in "positive life changes" (e.g., improved education or employment) experienced. Finally, to measure the program's impact on the criminal justice system, a cost analysis was done, and an overall cost-benefit analysis is expected to be completed in 1978.

The research design merits consideration as an exemplary model for subsequent diversion projects, reflecting a careful review of relevant literature and a detailed approach to methodology.<sup>23</sup> In its quasi-experimental approach, diverted persons were randomly assigned to two groups: those for whom diversion services were provided, and those receiving no such services. The research is intended, therefore, to determine whether the delivery of services to divertees has any significant impact on their recidivism or on their lifestyles, and whether there is any significant relation between life changes and recidivism. This, however, is a more limited purpose than determining whether diversion itself makes a difference.

Early in the development of the research design, considerable attention was given to an approach that would randomly assign sample members to diversion or the traditional criminal justice process. Those responsible for the design spent a great deal of time and effort seeking to identify alleged offenders not otherwise diverted who might randomly be sorted into divertees and non-divertees. This approach was abandoned, however, because it was impossible to identify a large enough group of offenders not ordinarily diverted who might be so treated for

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<sup>23</sup> See "Research Design" (1976).

research purposes. Also, there were moral, legal and ethical problems seen in denying diversion to a group of defendants who would otherwise qualify. But it is not at all clear that shifting the focus of research attention from (a) the decision whether to divert to (b) the decision whether to provide diversion services, is effective in avoiding these difficulties. For one might see moral and ethical (if not legal) problems of considerable magnitude in denying services to divertees who might otherwise be aided greatly by such services.<sup>24</sup> Notwithstanding this problem, the value of diversion services is clearly worth measuring, and the results of the Project Intercept research should be an important contribution.

As the first step in a full-scale cost-benefit analysis of Project Intercept, the research staff completed a cost analysis of the program not long before the termination of the Exemplary Project.<sup>25</sup> Comparing the costs of diverting a person with the costs of proceeding through the traditional criminal justice system, this study concluded that the traditional process costs over \$900 more per defendant than diversion without services, and over \$700 more per defendant even if diversion services are provided. Because cost figures were often not available in a form suitable for analysis, it was necessary for the research staff to make certain assumptions. At least some of these assumptions are open to challenge. For example, it may be an erroneous assumption that Municipal Court costs are distributed between civil and criminal cases in approximately the same proportions as are the volume of cases. Also, it may be inaccurate to assume that the percent of district attorney total costs allocated to Municipal Court criminal cases is the same as the percent of Municipal Court

<sup>24</sup>This observation is based on a critique of diversion evaluations by Zimring, presented in "Measuring the Impact of Pretrial Diversion from the Criminal Justice System," 41 U. Chi. L. Rev. 224, at 236 (1974).

<sup>25</sup>See "Cost Analysis Report.

total costs allocated to criminal cases. Yet, the preparers of the analysis specifically recognized that their calculations relied in part on assumptions open to question. Indeed, a more precise approach to the areas addressed by such assumptions may have been prohibitively difficult to develop, and the essential results might not be changed.

### Conclusions

The director and staff of diversion services, research staff affiliated with Intercept, and those assigned to diversion by the District Attorney and the Clerk of Quarter Sessions have worked well in a cooperative effort that has improved the operation of Philadelphia's diversion process. Intercept has helped to bring that process to substantial agreement with NAC diversion standards. A reasonable demonstration has been made that diversion, with or without social services, is much more economical than processing an accused person through the traditional criminal justice process. Implementation of both the operational and research components of Intercept were hampered by the hiring delays and funding difficulties experienced by the exemplary project as a whole. Conclusions about whether the provision of services to Intercept diversion clients has had any significant impact on crime reduction or on the lives of diversion clients must await completion in 1978 of the program's research design.

PRETRIAL DIVERSION:

PROJECT INTERCEPT

Evaluation Source Documents

Memorandum, to Marilyn Slivka, Director of Research and Planning Unit, Philadelphia Adult Probation Department, from Nancy Berk and Edward Darden, Project Intercept Research Staff, "Intercept Sample Size" (unpublished, July 6, 1976).

Memorandum, to Michael Green, Director of Diversion Services, Philadelphia Adult Probation Department, from Nancy Berk, Project Intercept Research Coordinator, "Management Information System Proposal" (unpublished, July 1, 1976).

Philadelphia Court of Common Pleas, Adult Probation Department, Diversion Services Program, "Project Intercept Annual Report: Phase I '75-'76" (unpublished report, undated).

Philadelphia Court of Common Pleas, Adult Probation Department, Operations Manual (September 1977).

Philadelphia Court of Common Pleas, Adult Probation Department, Research and Planning Unit, "Cost Analysis Report," (unpublished report, May 1977) (cited in text as "Cost Analysis Report").

\_\_\_\_\_, "Project Intercept Research Design" (unpublished report, December 1976) (cited in text as "Research Design").

\_\_\_\_\_, "Recidivism Base-Line Study: ARD and Philcourt 1973-1975" (unpublished report, March 1976) (cited in text as "Base-Line Study").

\_\_\_\_\_, "Status Report of Diversion Services Folder Information" (unpublished report, December 1976).

\_\_\_\_\_, "Status Report on Diversion Services Management Information System" (unpublished report, January 1977).

Further information relating to this program was obtained from interviews and from the general source documents listed above, at the beginning of this report.

WITNESS UTILIZATION

## WITNESS UTILIZATION

This program was created under ECP to make the criminal justice system more responsive to the circumstances of prosecution witnesses. It has three components. A telephone alert system advises prosecution witnesses of the necessity for appearing in court on a particular day. A court information unit provides information on request about the court system generally and about the status, location or time of specific proceedings. For prosecution witnesses at the courthouse, a witness assembly room is maintained; and transportation is provided for witnesses otherwise unable to come to court.

### I. History and Present State of Witness Utilization Program

Though it had been recognized that improvements were needed in the treatment of those coming into contact with the criminal justice process, Philadelphia had entertained few concrete solutions before the start of ECP. One improvement was the implementation of the Court Recall Plan, making possible the more efficient use of time for police officers appearing as witnesses in Municipal Court cases. But without special provisions for civilian witnesses, there frequently were unnecessary court appearances resulting in confusion, congestion and discomfort in the hallways outside courtrooms located in City Hall. Without information about continuances or courtroom locations, many witnesses (particularly Spanish-speaking people) did not know where or when to appear in court.

In Philadelphia's June 1974 discretionary grant application to LEAA for ECP, this subproject had a projected three-year budget of slightly less than \$360,000. In the wake of delay in completion of the first phase of ECP and a sharp reduction in continuation funding, federal funding assistance was ultimately budgeted for a total of about \$165,000. Due to budget re-allocations, funding for this subproject from the ECP budget totalled almost \$177,000 (about 49% of

of the amount initially projected), with other costs of the project paid from the Court or District Attorney budgets.

As initially constituted in the 1974 ECP grant application, the Witness Utilization Program was to be staffed by eight people in its first phase. In the draft grant application for the second phase, its staff was to increase to 11 people. But with the reduction of federal funding for the second phase, the number of staff paid by ECP funds was reduced to six people, with the program coordinator's salary assumed in 1976 by the District Attorney's Office.

#### Present State

During ECP the subproject consisted of three separate endeavors capable of functioning almost independently of one another. With ECP concluded, all three units continue to operate. The telephone alert system, which initially worked as part of the District Attorney's victim-witness assistance unit now functions under the trial listings unit. It deals with witnesses in cases assigned for hearing in six of the Philadelphia Municipal Court's nine courtrooms (in other Municipal Courtrooms, witnesses are predominantly police officers), and the concept has been extended by the District Attorney's office to felony jury and felony waiver cases.

Telephone alert operators review files for all new cases, obtaining names, addresses and telephone numbers of witnesses. All civilian witnesses are called four or five days before their scheduled court appearance, to verify their receipt of subpoenas and to inquire whether they wish to be placed on alert. It is estimated that about 50 percent decide to be notified by the project operators. They are asked to give a telephone number at which they can be reached on the scheduled appearance day, and they must be available at that number from 10:00 A.M. to 1:30 P.M. To be eligible for alert, they must be

able to reach City Hall, where the courtrooms are located, within one hour. They are then called to appear when needed; if not called, they must be available the following day. They are notified of any new appearance date and location if a case is continued.

A second aspect of the Witness Utilization Program is the witness assembly room, located in City Hall near some of the courtrooms. Prosecution witnesses may await their appearances there, where there is furniture donated by local merchants, with play facilities for children. Transportation to City Hall is provided for witnesses who are elderly, infirm or intimidated, as a service of the assembly room staff. These witnesses may have requested transportation when called by Alert operators, or they may simply have called the District Attorney's Office. The assembly room is staffed by CETA employees, who give general information, help expedite witness-fee payments, and are also prepared to give assistance to rape victims. Through cooperation with the court and with the ECP Management and Planning Unit, the room has an audio-visual slide presentation about the court process for witnesses.

The third facet of this subproject is the bilingual court information system, which operates under the auspices of the court administration's criminal listings division. At each of the four corners on the first seven floors of City Hall is a telephone, identified by a sign in English and Spanish. Any person desiring information about a case--its status, the time and location of a hearing, charges, attorneys, or the presiding judge, for example--can inquire by means of such a phone. Responding to the phones is a bilingual clerk, who can retrieve the desired information by means of a computer terminal connected with the Court of Common Pleas data processing files. Some of the telephone inquiries do not relate to court cases, but involve questions about city departments other than the courts, and such inquiries are not discouraged.

## II. Commentary

For purposes of understanding the nature and operation of the Witness Utilization program, the organization chart presented here as Exhibit 9 is helpful. In the operation of the program, the project coordinator's primary responsibility was for the telephone alert system. Once space was found and furnishings were provided for the witness assembly room, his oversight of its operation was limited. Furthermore, he has had little communication with the court information clerk, who works completely under the supervision of the criminal listings division in the Court of Common Pleas.<sup>26</sup>

The three aspects of the Witness Utilization undertaking, then, are not sub-units of a coordinated effort. Related thematically in their concern for addressing the needs of civilian witnesses, they are three totally discrete endeavors.

### National Standards

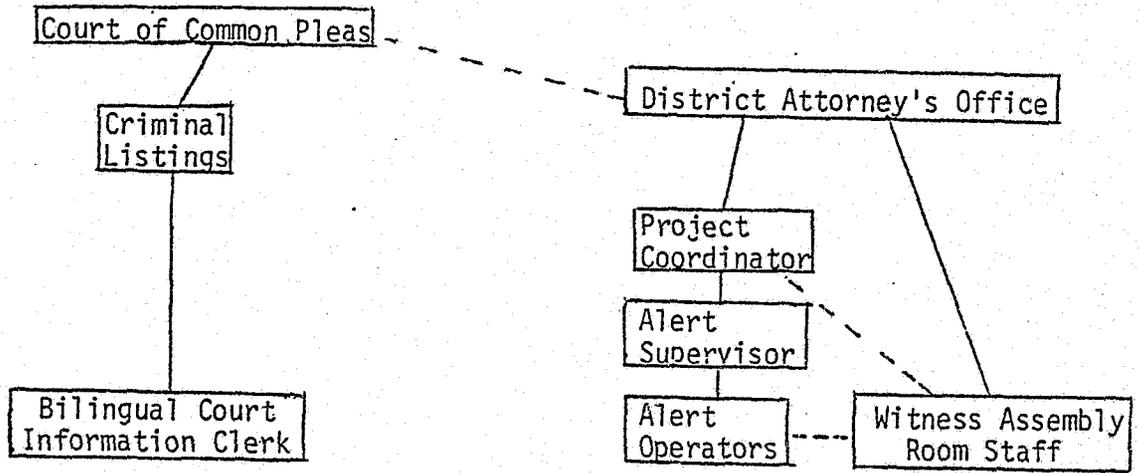
NAC Courts Standard 10.6 provides that prosecution and defense witnesses should be called only when valuable to the court. It recommends measures by which to improve utilization of police and civilian witnesses. The Witness Utilization program does not deal with defense witnesses. And because of a pre-existing Court Recall program meeting the NAC standard's suggestions regarding police witnesses, the subproject evaluated here addresses only civilian witnesses. Its telephone alert unit operates almost precisely in agreement with the procedures suggested in the standard. One exception is that the

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<sup>26</sup>A recent report of the Witness Utilization program, "Progress Report December 1976-April 1977," mentions the bilingual court information system only once and gives no information about its activities.

Exhibit 9

Witness Utilization Organization Chart



Legend

\_\_\_\_\_ Operational Authority

- - - - Communications

Philadelphia unit requires that witnesses be able to appear at the courthouse within one hour after notice, while the standard allows for appearance within two hours. The Philadelphia requirement may not be unduly restrictive, however, since more than 80% of non-police witnesses in Municipal Court criminal cases may live or work within an hour's travel time from City Hall.<sup>27</sup>

Reduction of unnecessary appearances by witnesses was the primary goal of the Alert unit. It worked well to this end, since program statistics made available to evaluators show that 75.9% of civilian witnesses put on telephone alert (32.9% of all such witnesses subpoenaed) were not called to appear in court during 18 months of the two-year period June 1975-April 1977.<sup>28</sup>

Another goal cited in grant applications for the Alert unit was reduction of trial continuances made necessary by failures to appear by civilian witnesses. In the first half of calendar-year 1975, immediately before telephone alert began full operation, 8.8% of all continuances granted were for this reason. With alert in operation, 6.8% of the continuances during the last half of 1975 were due to non-police witness failures-to-appear. Although the reduction from 8.8% to 6.8% has been claimed as a result of the Alert unit's operation,<sup>29</sup> available statistics are insufficient to support such a claim.

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<sup>27</sup> From a brief analysis of telephone alert statistics for the first half of calendar-year 1977, the evaluator concluded that only about 18.5% of the civilian witnesses subpoenaed for criminal cases to be heard in the Municipal courtrooms served by the Alert unit might live or work more than an hour's travel from City Hall.

<sup>28</sup> Alert statistics for January-June 1976 were not available.

<sup>29</sup> See Philadelphia Court of Common Pleas, "National Standards and Goals Exemplary Court Project," p. 94 ("Condition 8" Document, undated).

Alert statistics for the last half of 1975 show that 7% of civilian witnesses put on telephone alert and called to appear failed to appear. The unit's statistics do not indicate how many of the non-appearances by witnesses placed on alert forced continuances; if a continuance was necessary in every case in which an Alert witness was called to appear, it is clear that the presence or absence of the alert unit's efforts had no bearing on failures to appear. The last half of 1975 is the only year for which a comparison between Alert and non-Alert witnesses was attempted, and no effort was made to create and implement an experiment to measure more rigorously the unit's effect on continuance rates. It may be that the Alert unit has had no positive effect on appearance rates, in fact, since unpublished Alert statistics for the first half of 1977 indicate that over 24% of non-police witnesses placed on alert and called to appear actually failed to appear.<sup>30</sup>

Other goals cited in ECP grant applications for the telephone alert unit included reduction of time required for prosecution witnesses, reduction of court backlog, increase in police patrol time, increase in general witness satisfaction, increase in witness production rates, and increase in case dispositions. No evidence was found of any effort to measure changes in these areas.

A second national standard relevant in part to the Witness Utilization subproject is NAC Courts Standard 10.2, which recommends facilities and procedures for providing the public and participants in cases with information about the court process. Among the standard's recommendations is that the court and the prosecutor establish ways for witnesses to request information about cases by telephone, and this is the purpose of the bilingual court

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<sup>30</sup>See "Progress Report December 1976-April 1977" (undated).

information unit of the subproject. With 28 telephones for citizens to call a clerk in the Court of Common Pleas criminal listings office, the unit received 389 telephone information requests (87% of them about court business, with 7% in Spanish) in one week during November 1977. The number of Spanish inquiries has turned out to be less than was originally anticipated.

It has been reported that the court information unit received an average of 110-120 calls per day over the life of ECP.<sup>31</sup> Costs, including salary and fringe benefits for the court information clerk as well as supplies and equipment, were approximately \$14,576 for the first year of the project and about \$15,178 for its second year. If one assumes a 230-day work year, these figures mean that each telephone call cost the courts 53-55¢ on days when 120 calls were received (120 being a high average day). On days when only about 75 calls were received (the average per-day of the November 1977 sample), each call cost the courts 84-88¢. Although it would be difficult to measure with any precision the benefits to citizens from the availability of the information system, those benefits might include:

- (a) reduced time spent by citizens looking for courtrooms or city departments; and
- (b) reduction of continuances caused by non-appearance of witnesses unable to find courtrooms.

No measurement of such benefits was undertaken for this project. A spot survey of citizens in City Hall might be undertaken, however, if the court system desires to determine whether the cost of providing the information is justified by the results it achieves.

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<sup>31</sup>"Condition 8" Document, p. 90.

A final national standard partially addressed by the Witness Utilization program is NAC Courts Standard 10.1, which recommends generally that there be adequate facilities for court processes and specifically that there be separate waiting rooms for prosecution and defense witnesses. No provision is made in this subproject for defense witnesses. The witness assembly room administered in City Hall under the subproject appears adequate in terms of size, cleanliness and comfort for its purpose. Brochures explaining aspects of the court process are available for witnesses, along with staff to answer questions and provide other services. Its location (on the fifth floor of City Hall) is not necessarily convenient for the many courtrooms in the building, but the location may yet be as good as could reasonably be found in the large old structure.

### Conclusions

Simply by being undertaken, this program has made Philadelphia's criminal justice system more responsive to the needs of prosecution witnesses. Within the scope of its operation, it has responded to the recommendations of the National Advisory Commission. Yet no rigorous effort was made to provide reliable data on which to base a firm judgment of its impact, so that it cannot be said to have achieved many of the goals set out for it in ECP grant applications.

## WITNESS UTILIZATION

### Evaluation Source Documents

Philadelphia District Attorney's office, Victim Witness Unit, "Victims are People" (October 1975).

Philadelphia District Attorney's office, Witness Utilization Program, "Progress Report December 1976-April 1977" (unpublished report, undated) (cited in text as "Progress Report December 1976-April 1977").

Further information relating to this program was obtained from interviews and from the general source documents listed above at the beginning of this report.

PRESENTENCE STUDY

## PRESENTENCE STUDY

In an effort to attain several standards in sentencing, the Philadelphia Court of Common Pleas inaugurated the Presentence Study component of the Exemplary Court Project. As initially conceived, the presentence preparation to determine the best administrative structure for pre-sentence preparation, to improve information flow for continuing presentences, to revise the pre-sentence format, to develop alternative, shorter presentences for use in appropriate cases, and to prepare otherwise for an increase in the number of presentences to be conducted in future years.

### I. History and Present State of Study

The original grant application stated that at that time, 1974, a deficiency existed because, among other things, presentence reports were provided only upon request by the sentencing judge. As a consequence reports were prepared for approximately 25% of convicted felons and for only 4% of convicted misdemeanants. A solution for satisfying Corrections Standard 5.14, which urges report preparation "in every case where there is a potential sentencing disposition involving incarceration and in all cases involving felonies or minors,"<sup>32</sup> was advanced in the first application. The number of presentences prepared would have to be expanded sixfold. Recognizing the extent of this growth the goal was to be reached by the Adult Probation Department in stages over three years.

Not only have the numbers of reports been relatively low,<sup>33</sup> but diverse report standards and formats existed for women, drug cases and psychiatric

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<sup>32</sup> NAC, Corrections 5.14, 5.15; Courts 5.1.

<sup>33</sup> In 1973 reports were prepared in 2209 cases within a potential level of 15,258, or 14% of convicted offenders. In 1975 there were 2008 requests for reports accounting for 17% of 11,498 convictions. By 1976 judicial requests for presentence reports had grown to 2361 or 20% of 11,943 convictions in the Municipal and Common Pleas Courts.

matters. As a step to meeting the standard, producing reports in a substantially larger number of cases, a uniform format was regarded as desirable.

Related to volume and format were the perceived special needs in reporting on and supervising certain types of offenders. This gave rise to a study of service delivery by the generalist or specialist approach. In the former, all officers would be capable in a wider range of duties - investigation, supervision, counseling, and relating to community resources - irrespective of the age, sex or background of the offender. The specialist approach requires that the department be organized to address the distinct problems of drug addiction, alcoholism, and youthful or women offenders, and the different skills employed in investigation and supervision.

The tasks of monitoring, researching, evaluating, and planning in the project were to be assigned to the Probation Research and Training Unit which would be expanded by a two-member presentence team. By placing the study team within the well-regarded research unit the planner and researcher would benefit from existing relationships and organization integration.

Some of the problems experienced by the project stem from the massive cut in budgeted funding from \$1,010,933 to \$93,973. Obviously a reduction of this dimension, amounting to 90% of the original amount, worked insurmountable problems in the conduct of the planned project. The two persons who worked primarily on the project were often diverted to other duties by virtue of reduced funding and other perceived pressing needs.

## II. Commentary

The original grant application, which changed little in the continuation, should serve as the starting point against which the performance of the unit may be evaluated. The issues raised in an earlier concept paper were integrated within the grant application. The result is a series of "objectives," "organizational questions," "goals" (for project years 1, 2 and 3), and "quarterly projections." Comment upon the attainment of many of these substantive activities in Exhibit 10 precedes a discussion of the procedures employed.

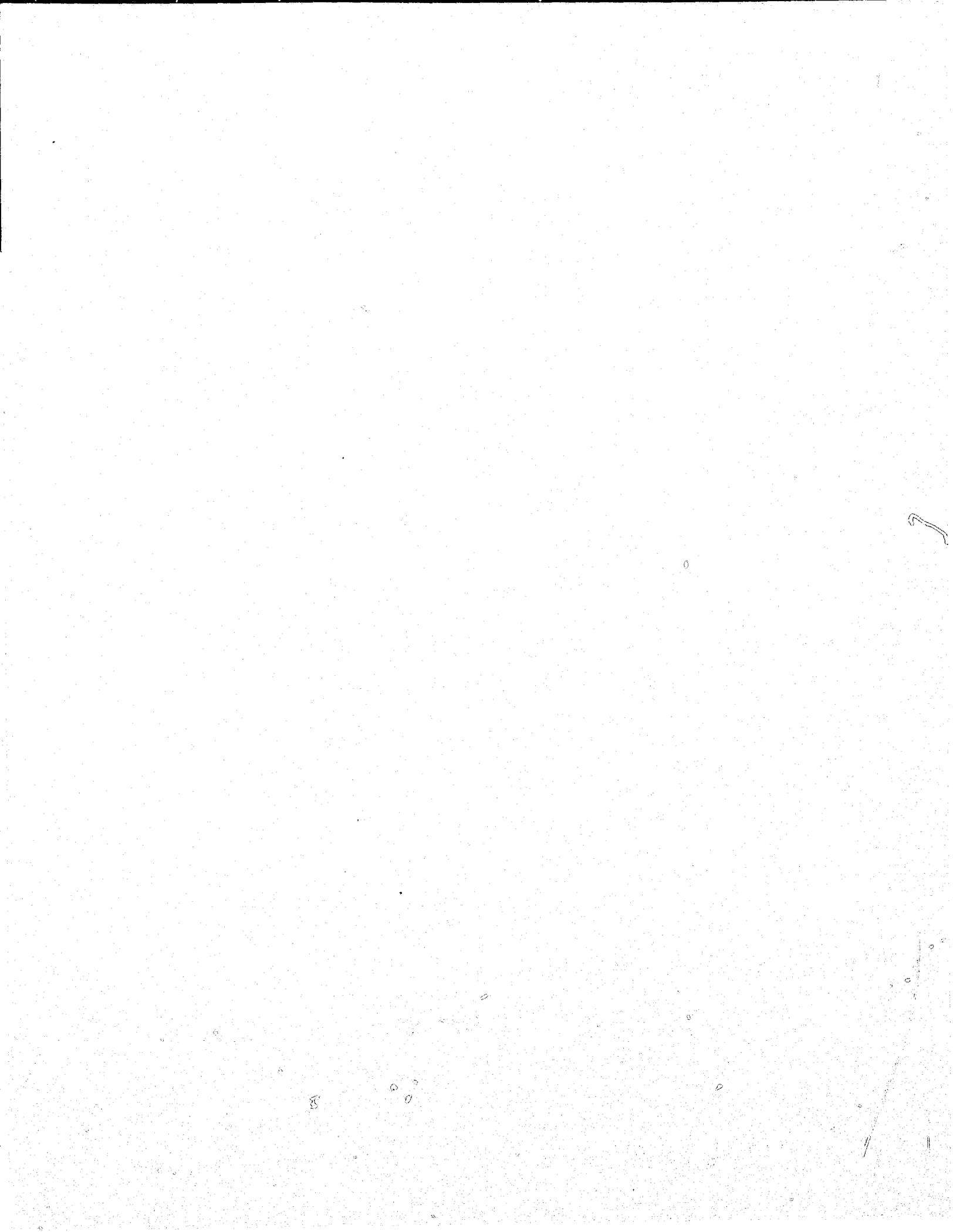
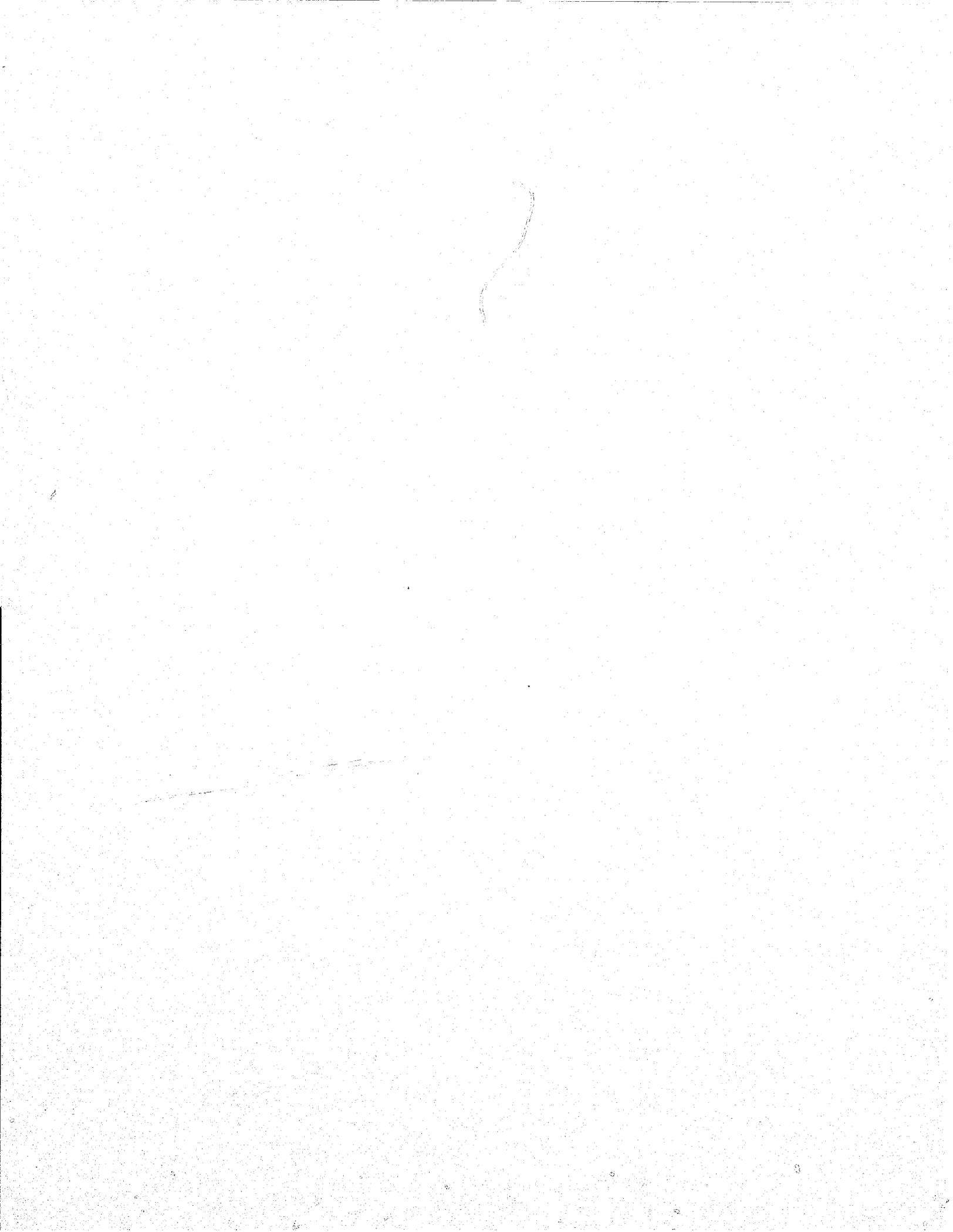


Exhibit 10 Commentary on Presentence Study Activities

No.	Category	Source (Reference)	Description	Activity	Comment
1.	Objective	1st Year Grant Application (Source Document 2)	To determine the best administrative structure for a presentence function.	Report prepared but not distributed. Information on recommended changes contained in monthly project reports.	Tacit approval of the specialist approach. The unit hired ten (10) investigators and one (1) additional supervisor. Blacks, Hispanics and women are reportedly under-represented on the investigation staff.
2.	Objective	1st Year Grant Application (S.D.2) (See also Monthly Report 12/5/75, S.D.4 and Goal 1, Year 1, S.D.2.)	To improve the information flow necessary for conducting presentations.	Reviewed existing procedures and recommended a series of changes including expedited ordering and receipt of "49" - police arrest report; automatic delivery of short certificate (court order for investigation) and court history; addition of investigative unit secretarial personnel. As part of monitoring the structure informal interviews and time and motion study of investigation unit were conducted.	There has been only marginal success in the uniform adoption of short certificate transmission practice although one person in the unit has been assigned to receive all copies. As of March 1977 the unit of 23 investigators had only one secretary. All reports were typed in a pool. Investigators who had formerly typed their own letters now have three secretaries. Other than reference in a monthly report, no summary of the results of monitoring was made. However, there were early informal time and motion studies of the work of investigations. (See Condition 8 Document, S.D.11.) The formal time log and motion study described in The Research Design (S.D.3) has not been undertaken. A member of the staff has attended a PERT (Program Evaluation Review of Technique) training session.

No.	Category	Source (Reference)	Description	Activity	Comment
3.	Objective	1st Year Grant Application, S.D.2 (See Analysis of Survey, Nov. 1977, S.D. 13)	To revise the presentence format.	A short-form presentence investigation form was developed. The long-form report was left unchanged. A survey was conducted to determine user (judges, presentence investigators, defenders, prosecutors and prison personnel) reaction to the investigations.	The survey instruments were well designed and the results credible. The statistical reports of finding are helpful.
4.	Objective	1st Year Grant Application (S.D.2)	To develop alternative shorter presentences for use in appropriate cases.	Responding to a backlog of 500 cases between December 1976 and March 1977 the unit produced a short form for experimental purposes. The form was to be used in less serious cases. An instruction sheet was prepared for use of short form. A revised short form is now being considered for adoption.	Slightly more than 25% of the judges have rejected use of the short form. Although an instruction sheet accompanied the short form, confusion in its use arose during the backlog period. Training in the use of the form will be essential as will the cooperation of the more seasoned investigators, many of whom would not use it.
5.	Objective (classified as a primary objective in 2nd year application, S.D.10)	1st Year Grant Application (S.D.2)	To otherwise prepare for an increase in the number of presentences to be conducted in future years.	A new organizational structure of the investigative unit was proposed; a short form report was developed; information flow procedures were improved; survey of judges and other presentence users was conducted; model sentencing grant application was prepared; sentencing guidelines study was planned and begun.	The serious backlog in the preparation of reports sped the development of the short form which is now being changed. The increase in the unit staff to 33 investigators, 3 supervisors and 3 secretaries was in response to backlog pressures rather than a decision based on study and recommended organization change. Model sentencing and sentencing guidelines projects are now underway.

No.	Category	Source (Reference)	Description	Activity	Comment
6.	Organizational Question	1st Year Grant Application (S.D.2) (See Research Design, Introduction, Sentencing Literature and the Presentence Process, updated, S.D.3)	Which is the correct model for presentence investigations in Philadelphia - generalist or specialist?	The research design contained hypotheses to be tested in gauging the efficiency in the preparation of reports by specialists or generalists.	There is no evidence that the hypotheses were tested. The development of the backlog resulted in expansion of the existing unit, thereby continuing the specialist approach.
7.	Organizational Question	1st Year Grant Application (S.D.2) (See Research Design, S.D.3; Survey Analysis, S.D.13; and Condition 8 Document, S.D.11)	What is the eventual scope for presentence reports? Is the ultimate goal to complete presentence reports on 100% of all convicted offenders from both Municipal Court and the Court of Common Pleas?	Research design contained plan for determining scope (volume) of reports which might be done. Statistical review of production rates done. Visits were made and experience of other probation departments was examined. Interviews were conducted with most Common Pleas judges.	<p>Figures have been gathered on the number of reports to be produced. With the adoption of Rule 1403 judges of the Court of Common Pleas may order a presentence investigation report in any case. If the court dispenses with the report in certain cases the reasons must be stated for the record.</p> <p>Production of an average of 7.7 reports per month per investigator should be increased at least to the level of Federal Probation Officers (10 per month) in order to contain the likely growth.</p> <p>Municipal Court reports have remained relatively stable with many violation-of-probation reports requested.</p>



**CONTINUED**

**1 OF 2**

No.	Category	Source (Reference)	Description	Activity	Comment
8.	Organizational Question	1st Year Grant Application (S.D.2)(See Research Design, S.D.3)	What criteria should be used to determine the extent of information gathered and verified on each individual convicted offender? Are gradations of presentence reports feasible in the Philadelphia jurisdiction?	Research design in this area directed primarily to measurement of what judges want on a presentence report. Survey by questionnaires and interviews of judges and other users was conducted.	<p>Emphasis in the research design resulted in extensive treatment of use of long- and short-term reports.</p> <p>The criterion suggested for selecting report format to be used was seriousness of offense. Long-form reports to be used in murder, rape, robbery, arson, kidnapping and probably aggravated assault. Criteria for using the short form (alternative form B) for offenses outside the major exclusions are also being developed. The on-going sentencing guidelines project is developing empirical information which can be used in establishing these criteria.</p> <p>Only now is the staff examining revision of the long form and procedures for updating reports for use in violation of probation proceedings. Several judges have rejected use of short-form report.</p>
9.	Organizational Question	1st Year Grant Application (S.D.2)	Is it feasible to develop a computerized data base for presentence reports?	Abandoned. However, information that a presentence report has been done is now included in the computerized case history but the pendency of a report is not readily known from reference to the automated record.	<p>Because of privacy and confidentiality issues raised in the first year this element of the project was abandoned. However, the question remains in the second year grant application. (See S.D. 10.)</p> <p>To improve access to probation records within the department for subsequent offenses or in violations of probation, the automated court history should contain information that presentence reports have been done or are pending. Further study of this and the confidentiality issues which may arise should be undertaken.</p>

No.	Category	Source (Reference)	Description	Activity	Comment
10.	Organizational Question	1st Year Grant Application (S.D.2) (See also second year application, S.D.10 and Survey, S.D.13)	Is it possible to develop one information flow for each individual entering the Philadelphia Criminal Justice System starting with the R.O.R. information as the base? How much information can be accessible to and exchanged with the various components of the CJS - the police, prisons, courts; probation - without violating confidentiality and other individual rights?	Deferred. Use of ROR information is excluded by Supreme Court Rule which limits use for bail purposes only. Survey of presentence report users - judges, defenders, prosecutors and prison officials was conducted. This survey reached, in part, the second question.	Although this prohibition arose in the first year, the question was repeated in the second year grant application. It was felt that a future change in the rule might permit use of ROR information, hence the retention of the concept in the succeeding application. Although the survey was designed to disclose use of the report by discrete elements of the criminal justice system. A review of survey results indicates that improved distribution methods be developed and that a means of responding to user criticism be considered.
11.	Organizational Question	1st Year Grant Application (S.D.2) (See Survey, S.D.13.)	How are the present presentence reports being utilized in sentencing by those judges who are requiring them?	Survey of judges conducted (51 of 55 trial judges).	The survey instrument was well conceived and the information gathered very useful: the survey or some less burdensome mechanism for gaining feedback should be used regularly to gain a critique of unit performance. In addition judges should be asked to communicate with individual officers or supervisors to review quality of work and to offer both praise and direction for improvement. Of particular significance in the survey was the judicial attitudes toward receiving full prior criminal records and sentencing recommendations by the investigators. Both these areas should be subject to further study.

No.	Category	Source (Reference)	Description	Activity	Comment
12.	Organizational Question	1st Year Grant Application (S.D.2) (excluded in 2nd year grant application, S.D. 10) See Survey, S.D. 13.	Should presentence recommendations be general or specific in nature?	Survey conducted of judicial attitudes toward sentencing recommendations.	Most, approximately 59% of the judges, favor recommendation of specific treatment plans in the reports. The views of the judges at this point should be sought periodically. In making the recommendations the officers should be aware of dispositional and treatment resources available. An up-to-date directory of services should be available. If a recommendation has been made and accepted the success of that approach should be communicated to the officer in considering future recommendations. Analysis of recommendations and outcomes deserves ongoing review. (See number 13 below.)
13.	Organizational Question	2nd Year Grant Application (S.D.10) (replacing number 12 in 2nd year application) See Survey, S.D. 13.	How does the presentence report affect the eventual rehabilitation plan of the probationer/parolee?	Analysis under way in follow-on projects. Survey had disclosed that most judges prefer specific treatment plan recommendations.	Long-term review of recidivism rates and rehabilitation efforts must be undertaken. Until more sophisticated data capture and processing techniques are available to the unit progress in achieving this objective is remote.

No.	Category	Source (Reference)	Description	Activity	Comment
14.	Organizational Question	1st Year Grant Application (S.D.2)	What is the most viable format for presentence reports?	An initial short form was developed and has now been revised. Review of revised long form and violation of probation reports has not been made by the court.	Format of report has been largely controlled by need to reduce backlog, desires of judges, and seriousness of offense criteria. Other factors may be considered in using long forms, in violation reports and in updated reports. Further analysis of format in these areas should be made. See Nos. 4-8 above.
15.	Organizational Question	1st Year Grant Application (S.D.2)	Upon determination of presentence format and feasibility of gradation of reports, what volume is possible per individual presentence investigation?	Reviewed production rates in federal probation and other states.	Current monthly average of 7.7 reports per investigator should be increased at least to the federal probation level of 10 per month. See No. 7 above. Additional training, motivation and improved methods of gaining information in the field and from other agencies will be required to increase production.

## Further Discussion

Although each of the goals, objectives, questions and projections can be analyzed individually, there is no clearly expressed overall goal in the first grant application. The research design expressed the goal of the project to be "to develop a presentence structure with the capacity to deliver presentence investigation reports in an efficient manner while satisfying the National Standards and Goals and meeting the needs of the users."<sup>34</sup>

The presentence project, while intended and commenced as a research and planning effort, does not have the attributes of such a study in that there has been no bibliographic update, no published report (although a final report is in preparation), nor is the data analysis as exhaustive as it could be. Perhaps, because, faced by the backlog between December 1976 and March 1977, the project staff was thrust into operational concerns, during one period even called on to write presentence investigations. Many of the writings which were made available for evaluation appear to have grown by accretion rather than fresh research or examination.

These defects, many of which have been addressed in the sentencing guidelines element of the second year grant application, may be due to several factors, among them delay in hiring the planner, subsequent responsibility of staff in the Sentencing Guidelines Study, continuation grant application drafting, and presentence preparation. Apparent, too, are the different viewpoints of the social planning and research staff members with the result that the disciplines are now well meshed. Defects are observable in the research procedures, particularly in statistics. A lack of research control sometimes

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<sup>34</sup> It might be suggested that the goal be to study and evaluate the presentence methods in use and to recommend changes designed to result in a larger number of reports, more quickly prepared and of sufficient detail to be of aid to users and fair to offenders without placing intolerable burdens on the resources of the Probation Department.

resulted in imprecise information and little analysis of available data specifically in the production of statistics. Again as project reports have not been published, the deficiencies emerge largely from a review of statistical worksheets. Parallel projects being conducted by the same staff seem to be methodologically sound, thereby indicating that the staff is capable but was probably diverted in the instant project by the press of time, operational exigencies and staff reassignment.

As described in Exhibit 10, several research tasks were abandoned. Others, notably development of the short-form presentence report, were presented prematurely to aid in the reduction of the backlog. A notable accomplishment was the preparation of a research design in which the results of other studies and the views of a fine group of experts in the field were incorporated. The polling of judges and other presentence users through well conceived questionnaires (with necessary coding books) was a fruitful effort.

Finally the presentence report project has formed the early part of research in the development of sentencing guidelines and in a further effort in a model sentencing project. The former is well along, having been treated as an addendum to the second-year grant application for the instant project.

The study was to address three standards of the National Advisory Committee on Criminal Justice Standards and Goals. In operation, it was only necessary for the study to focus on Corrections, Standard 5.14 relating to Requirements for Presentence Report and Content Specification. The court, through the adoption of Rule 1403 and much of the work of the project team, has come closer to the standard.<sup>35</sup>

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<sup>35</sup>Corrections Standard 5.15, Preparation of Presentence Report Prior to Adjudication, will be dealt with in the Sentencing Guidelines Study. Attainment of Courts Standard 5.1, The Court's Role in Sentencing, which was included in the original grant application, was not addressed and is absent from the discussion in the Condition 8 Document.

With the abandonment of some research tasks in favor of immediate operational improvement, the presentence project should have been conducted over a shorter time with a sharper focus. Admittedly the assumption of substantial responsibilities in the sentencing guidelines effort had the effect of broadening and extending the staff's view of the scope of the original study.

An examination of the second-year grant application discloses no evident rethinking of goals and objectives. Significantly, the continuation application included an organizational question concerning a computerized data base for presentence reports which had been removed from the project purview within the preceding year. Although the use of ROR information had been eliminated by adoption of a Supreme Court rule the concept was retained in the grant application. Project leaders, without so expressing in the application, apparently had hopes that the use of the data could be deferred until a future reconsideration of the rule limitation.

#### Conclusions

Unfortunately, the products of the presentence project offer little replicability; the positive results of the project could probably have been attained well within the two-year life notwithstanding the staffing problems earlier discussed. Some areas of interest, particularly the time log and motion study of investigation preparation, had not been completed at the close of the project. However, the examination, seeking to compare presentence practices in Philadelphia and other cities, has provided a healthy stimulus. The investigation unit long regarded as insular has been opened to study and the investigators have responded with a new interest in professionalism and training. In some respects the project appears to have been superimposed on the Research Unit to stimulate change within the Probation Department, but to the extent that many improvements in the preparation of presentence reports have been achieved, the project should be regarded as a success.

## PRESENTENCE STUDY

### Evaluation Source Documents

In order to evaluate performance in the presentence study, a chart (presented as Exhibit 10 above) has been employed. For brevity's sake, source documents cited in the chart are referred to by number. The format for the list of source documents presented here has, accordingly, been modified from the format used elsewhere to include reference to the document numbers cited in Exhibit 10.

Philadelphia Court of Common Pleas, Presentence Study Concept Paper for ECP Phase I Grant Application, undated (Document No. 1 in Exhibit 10).

Philadelphia Standards and Goals Exemplary Court Project Discretionary Grant Application (June 3, 1974) (ECP Phase I Grant Application (Document No. 2).

\_\_\_\_\_, Presentence Study Unit, Research Design, undated (Document No. 3).

\_\_\_\_\_, Presentence Study Unit, Project Monthly Reports, dated monthly, October 1975 - September 1977 (Document No. 4).

\_\_\_\_\_, Presentence Study Unit, 1976 Annual Report - Presentence Study, undated (Document No. 5).

\_\_\_\_\_, Philadelphia Standards and Goals Exemplary Court Project Discretionary Grant Application (September 27, 1976) (ECP Phase II Grant Application) (Document No. 10).

\_\_\_\_\_, "National Standards and Goals Exemplary Court Project" (undated; submitted October, 1977, in satisfaction of "Condition 8" imposed by LEAA; it is cited in the text as the "Condition 8" Document (Document No. 11).

\_\_\_\_\_, Presentence Study Unit, Preliminary Report, September, 1976  
(Document No. 13).

Further information relating to this program was obtained from interviews and from the general source documents listed above at the beginning of this report.

COURT VOLUNTEER SERVICES (CVS)

## COURT VOLUNTEER SERVICES (CVS)

To enhance public understanding of the criminal justice system and to increase community involvement in its operations, the office of Court Volunteer Services (CVS) was created as part of ECP to coordinate and develop all volunteer services to court agencies. Subproject staff would be responsible to recruit, train, assign and monitor the activities of volunteers in pretrial release, probation and other programs.

### I. History and Present State of CVS

Before the introduction of ECP, the court system's Adult Probation Department operated a Community Resource and Volunteer Unit. Its purpose was develop volunteer manpower and community resources, seeking volunteer probation aides and commitments from community agencies to make their services available to probationers and parolees. But with a need for broader community participation in criminal justice, a more extensive program was considered desirable.

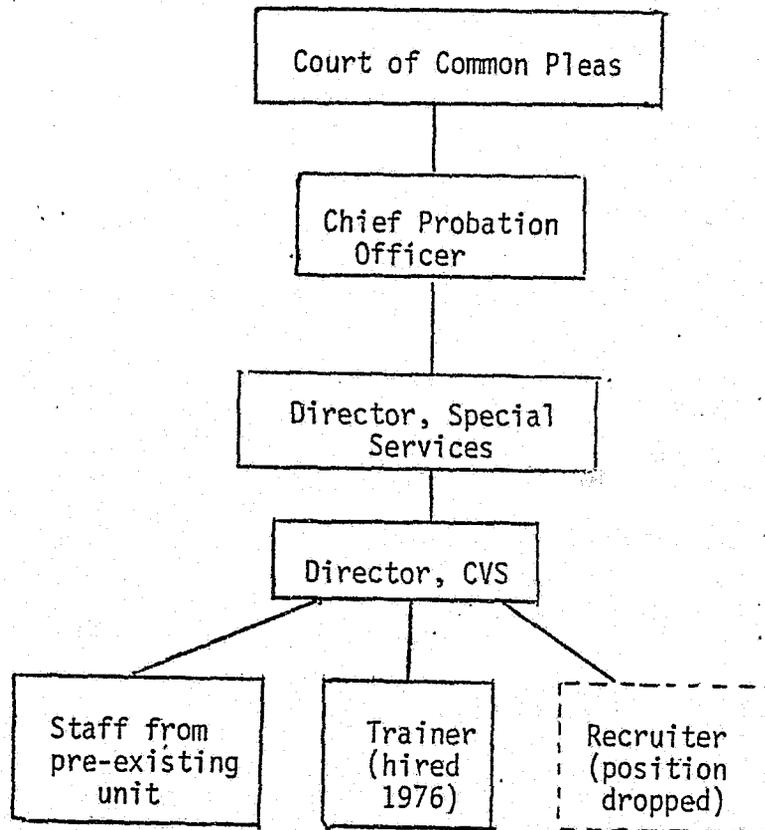
As initially contemplated in the ECP grant application of June 1974, the CVS three-year budget was to be almost \$210,000. But delay in completing Phase I of ECP, along with a subsequent cutback in LEAA continuation grant assistance, ultimately meant that federal funding for CVS under ECP totalled only about \$88,000 (approximately 42% of the initial three-year projection). Other CVS expenses were met from the budget of the Adult Probation Department.

The 1974 application proposed three new people--a program director, a trainer and a recruiter--to augment three professional staff members and a secretary carried over from the old Community Resource and Volunteer Unit.

(See Exhibit 11.) Because of problems associated with assuring the exemplary

Exhibit II

CVS Organization Chart



project's compliance with federal EEO requirements, the CVS director's position was not filled until June 1975. At first, the director encountered resistance from incumbent staff, one of whom had been leader of the previous volunteer unit. It was September 1976 before the trainer's position was filled. And because of the reduction in federal funding for the program's second phase, the recruiter position was dropped.

Even with these constraints, the CVS program made it possible for volunteers to participate in a wide variety of activities within the criminal justice system. The largest number of volunteers in the subproject have worked as aides in the Adult Probation Department, serving as counselors to offenders on probation or parole. Many other volunteers have been tutors, helping clients learn reading skills or prepare for high-school equivalency examinations. Some volunteers, not desiring contact with "clients," have aided the program through clerical services. A smaller number have worked in pre-trial release or diversion programs, but assistance to diversion services will be de-emphasized because there have been few requests for volunteers. Volunteers worked for a brief time as Telephone Alert Operators in the Witness Utilization Program, but this was not a successful venture.

An effort considered very successful, however, has been the Hispanic Volunteer Program developed by CVS staff. While this undertaking follows the broad outline of the general program, the details of its operation have been modified to address the needs of Philadelphia's sizeable Spanish-speaking population. Its volunteers work primarily with Spanish-speaking probationers.

Cooperative relations with other offices, agencies and organizations within or concerned with the criminal justice system were sought during the ECP period. Arrangements were made for work in conjunction with the courts

of nearby Bucks County, with volunteers assigned to Philadelphians serving probation sentences under the other county's jurisdiction. The CVS program was given recognition as a source of work to fulfill academic requirements of the local community college's Corrections Education Program. And arrangements were made with other local criminal justice volunteer programs to present cooperative training sessions from time to time. A CVS staff manual was prepared in 1976, not only for those assigned to the program, but also for probation officers to help them understand their relation to volunteers.

#### Present State

In addition to training, the internal operation of CVS involves several other facets. A major concern of the program director has been recruitments of volunteers. To this end, the director and staff have addressed community groups, made television and radio appearances, and prepared public service announcements for all the local communications media. In addition, an eight-page brochure and an audio-visual slide presentation were prepared for public education and recruiting purposes.

Those applying to be volunteers are asked to fill out an application form and to give letters of recommendation. They are interviewed by CVS staff, who also check their employment or education status and police record and verify the recommendation letters. Final selection of volunteers is not made until after training sessions are completed. Training for volunteers is accomplished over twelve hours during a weekend, with the Hispanic sessions varying somewhat from general sessions. Advanced training for volunteers is also made available to volunteers in tutoring techniques, in making pre-parole investigations, and in the "Thresholds" decision-making technique.

Volunteer applicants selected for the program are assigned in accordance with their desires and skills, as well as the volunteer needs expressed by other elements of the criminal justice system. While the program has engaged many volunteers, it is currently experiencing a shortage of "clients" with whom they can work.

Monitoring volunteer activities is the final area of concern in the internal operation of the program. An important measure is recidivism: the degree to which offenders in contact with volunteers are rearrested or convicted. The program has compiled data about the rearrest rates of offenders assigned to volunteers. For monitoring individual volunteers and clients, probation-officer supervision and the reports by the volunteers themselves have been used. For volunteers working with defendants given pre-trial release on recognizance, the rate of appearance at trial is available to measure effectiveness.

At the conclusion of ECP, CVS was incorporated as an on-going unit in the Adult Probation Department. Two areas in which volunteer activities have recently expanded are (1) pre-parole investigations to aid consideration of parole applications, and (2) assignment to work with women in drug and alcohol programs at the local house of corrections.

After the conclusion of ECP, the Adult Probation Department received federal funding assistance for a new program, entitled "Intensive Services Delivery and Assessment." Under the research design for this project, probationers will be randomly assigned either to (1) a probation officer with a regular caseload (about 110 cases), (2) a probation officer with a reduced caseload (30-35 clients) allowing more intensive contacts, or (3) a probation officer aided by volunteers. Research will seek to determine whether there are any significant differences in results.

## II. Commentary

NAC Corrections Standard 7.2 calls for the correctional element of the criminal justice system to make a comprehensive effort to create ongoing relations with other institutions, agencies and groups in the community. The standard further recommends involvement of community representatives in policy development, interagency coordination and lobbying for corrections improvements. Since the CVS program operates as a unit of the court system's Adult Probation Department, the limitations in its scope and position in the criminal justice system make the program unable to achieve more than a very small portion of the ends envisioned in the national standard. Nor was evidence found that CVS was ever conceptualized as part of a broad, integrated corrections undertaking to meet the standard. The subproject has, however, developed working relations with educational, social welfare and community organizations. Furthermore, its efforts have focused on making volunteers available to assist in provision of social services to offenders. In these two respects, it has attained what is contemplated by the standard.

Similarly, NAC Courts Standard 10.3, which suggests that the courts pursue an active role in public education about the criminal justice system, envisions a much broader scheme than the CVS program was designed to achieve. One might conceive of CVS as one part of a more comprehensive approach to public education, and all CVS publicity efforts were apparently coordinated through the Court's Office of Public Information. While the program director and staff undertook a vigorous effort to prepare pamphlets, speak to community groups, and make media presentations, this effort was directed primarily toward creating public exposure for the volunteer program, to aid recruiting.

NAC Corrections Standard 7.3 is specifically addressed by CVS, although part of the standard is beyond the program's scope. NAC recommends creation of a multipurpose public information unit, to inform the general public and promote improvements, and the volunteer program was not designed for this purpose.<sup>36</sup> It is, however, designed to implement the second element of the NAC standard's recommendations -- an administrative unit to secure citizen involvement in the criminal justice process.

In the initial ECP grant application, CVS was to be combined with the probation department's pre-existing Community Volunteer Unit, and it was to receive direction and support from the probation department.<sup>37</sup> See Exhibit 11. As the chart and text above indicate, CVS was preceded by a community resource unit that was not substantially different in purpose. It appears that CVS was conceived in part as little more than a "vehicle" for continued federal funding of the old program.

Moreover, the status of CVS as a sub-unit of the probation department made it difficult for the program to undertake the volunteer activities throughout the criminal justice system envisioned for it in grant application documents. It is part of the probation department, as was its predecessor, and its director was selected from a prior position in the department. It is therefore likely that CVS has been perceived, both within and outside the Probation Department, as a program almost completely focussed on providing volunteers to aid that department's activities. Being only a probation sub-unit, CVS did not attempt one of the suggestions of NAC Corrections Standard 7.3, that the volunteer unit involve citizens in advisory and policy-making roles.

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<sup>36</sup>Public information functions were performed by other elements of the court system as well (e.g., the Office of Public Information).

<sup>37</sup>ECP Phase I Grant Application, I-7 (1974).

It was only at ECP's conclusion that CVS began to engage in "cooperative endeavors with corrections clients," as set forth in the standard, by providing volunteers to assist pre-parole counseling and investigations. The program's major focus has been on the other function set out in the standard for citizen involvement units: provision of volunteers to provide direct services to offenders. To this end, the full-time staff of CVS divide their efforts among recruitment, screening, training, assignment and monitoring of volunteers.

For purposes of recruitment, CVS has prepared an attractive brochure, describing the nature of volunteer services, qualifications required of volunteers and the application process, and program staff have also helped prepare an audio-visual slide presentation. This meets the provision in NAC Corrections Standard 7.3 that the citizen involvement unit make public in writing its policies about the volunteer selection process, term of service, tasks and responsibilities.

Other recruiting activities have included addresses to community groups, radio and television appearances and public service announcements, and articles published in newspapers. In each area, the staff have met or exceeded goals established (e.g., 12 community groups to be addressed each year). Volunteer application forms request that applicants indicate how they learned about CVS. But the goals stated in the project proposal were never preceded by assessment of the number of volunteers needed by the system or the level of recruitment activity needed to meet those needs.

Although the recruitment activity goals for the program's second year seem to have been exactly the same as those for its first year, efforts were made to determine (through an analysis of applications) what recruitment

vehicles were most effective. The study showed that radio and television were most effective in encouraging applications, while speeches to community groups produced the fewest applicants. These results, however, appear not to have affected decisions about recruitment vehicles. In the program's second year, there were as many community groups addressed as in the first year. But fewer radio and television appearances were made in the second year.

The initial proposal's assertion, that program staff would identify and recruit volunteers from various strata and segments of society, was generally implemented during the course of program operation. About two-thirds of the offenders to whom volunteers were assigned were black, and 65% of the volunteers were black. A separate sub-program was developed to enlist the aid of Spanish-speaking volunteers. To make contacts more convenient, volunteers usually were assigned to clients living in the same part of the city. Volunteers were usually older than clients to whom they were assigned.

Screening of volunteer applicants involves review of completed application forms, checking references, police records and employment or education, and interviews. A test of the effectiveness of screening is the number of persons (1) who either "default" by not entering the program or (2) who are found to be unsuitable, after successfully passing through the screening process.<sup>38</sup> Analysis of such situations on a regular basis can be used to determine whether and how screening procedures should be improved. Program leaders have not kept data concerning the number and causes of defaults, but they may want to consider doing so as a means to improve the program's operation.

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<sup>38</sup>Abt Associates, An Exemplary Project: The Volunteer Probation Counselor Program, Lincoln, Nebraska, p. 86 (National Institute of Law Enforcement and Criminal Justice, 1975).

A considerable amount of attention has been given by program staff to the training process. This is indicated by the flexibility and variety of training mechanisms employed -- the basic 12-hour curriculum and the Hispanic alternative, the cooperative sessions with other volunteer agencies, arrangements with local educational institutions and with the "Thresholds" decision-making program -- and by the availability of helpful written materials for volunteers about the criminal justice process and about the relationships between a volunteer and a client. It appears, however, that indicators of training effectiveness might be used more extensively as a means to manage training activities and give direction to their further development. Volunteer opinions (both immediately after training sessions and on a periodic basis during volunteer service), about areas in which more or less emphasis might be placed in training sessions were sought for a period of time, but the results were not considered helpful. Other indicators might include:

- (a) periodic assessments by professionals in agencies receiving volunteer aid about volunteer knowledge and skills in areas that training might affect; and
- (b) "success" rates for clients of volunteers (e.g., performance in educational pursuits, recidivism, "no show" rates).

While each of these indicators reflect considerations unrelated to the quality of training, they may be perceived as matters that can be influenced by training.

Assignment of volunteers is affected by a number of considerations, among them the level of demand for volunteer assistance and the availability of volunteers with suitable skills and interest. In the CVS annual report for 1976-77 (prepared June 1977), placement of trained volunteers was characterized as "[continuing] to be the most severe problem pliguing the CVS program," since only 45% of trained, then-active volunteers were assigned. This problem may be the result of many factors.

One such factor has been under-emphasis in the program operation on assignment, due to shortage of full-time staff and relatively greater attention to recruitment and training of volunteers. Recently, the program staff has curtailed recruitment activities and devoted more attention to finding volunteer assignments, with such results as development of assignments aiding offenders about to be released on parole from imprisonment.

A second matter has been difficulty in establishing more fruitful relations with other criminal justice programs that might benefit from further volunteer assistance. For example, volunteer aid to Diversion Services is being de-emphasized for want of demand, while obstacles to assignments in the Witness Utilization program have never been overcome.

Furthermore, CVS has encountered mixed responses from judges and probation officers. Court assignments of probationers to volunteers dropped from 43 in 1975-76 to only 17 in 1976-77. Ambivalent attitudes among judges and probation officers is viewed by some as the result in part of feelings that court leaders "pushed CVS too hard" and were "too heavy handed" in their insistence that clients be assigned to volunteers before judges and probation officers had developed confidence in the volunteer program. Additionally, some probation officers were apparently uncertain about the intent and operation of the CVS program. Were volunteers a form of "cheap labor" who might threaten probation officer jobs? How could volunteers be used most effectively? Does the value of volunteers justify the paperwork involved in monitoring their activities?

To some extent, rectification of the assignment problem calls for re-directed effort within the CVS program itself. But improving the level of

assigned volunteers also requires greater receptivity to volunteers by other sectors of the criminal justice system. Also needed is more effective support from those responsible for the overall administration of the system.

Monitoring volunteer activities, particularly those "in the field" with individual clients, is perhaps the most difficult operational facet of a volunteer program while being the most effective source of information about the program's success. It appears that this phase of the CVS operation has room for improvement. Volunteers are to complete monthly report forms, detailing hours of service and the frequency and nature of contacts with clients. Since many volunteers dislike completing such reports, CVS staff often telephone volunteers for oral activity reports. Since many volunteers work with probation officers, reports (when written) are sent to probation officers. Some probation officers and volunteers find the paperwork involved in reporting too burdensome (this is especially critical for probation officers, who otherwise have considerable paperwork reducing time allocable to client contacts).

Improvements in the on-going activity of monitoring volunteer activities might be achieved by (1) greater emphasis in volunteer training on the need for and value of keeping CVS staff (and the staff of agencies served) abreast of individual volunteer efforts; (2) greater allocation of CVS staff time to developing and maintaining close working relations with paid staff assisted by volunteers in the monitoring effort; (3) make the level and nature of monitoring differ in keeping with nature of the assignment; and (4) make the formality of volunteer reports variable according to the nature of the assignment. (This leaves open the issue of the kinds of cases--whether "tough" or "routine"--appropriate for assignment to volunteers.) Attention should be paid to the

level and specific nature of complaints from recipient agencies, and to the level and reasons for "lost" clients or takeover of clients from volunteers by full-time staff of recipient agencies.

An important element of the monitoring function on the program-wide level is the success of volunteer clients. In the exemplary project grant applications, reduction of "no shows" by those given pre-trial release and of recidivism by volunteer clients were cited as goals of the sub-project.

Volunteers have been assigned to keep contact with defendants given conditional pre-trial release by the court. Such defendants are those not qualified for release on recognizance or for percentage cash bail. In the first year of the CVS program, the 39 people assigned to volunteers had a "no show" rate of about 2.6%; in the program's second year, the rate for 34 people was about 12%. These figures compare with a "no show" rate reported to be at about 6% for other defendants given pretrial release. No rigorous effort was made to create experimental conditions for measuring volunteer effectiveness. CVS now de-emphasizes volunteer assignments for this purpose because of low client numbers and questionable results.<sup>39</sup>

To test the effect of volunteers on recidivism, limited data was collected about the re-arrest rate of clients during each year of the program. In 1975-76, volunteer clients had a 21% re-arrest rate; in 1976-77, that rate was 13%. Various studies conducted by the Adult Probation Department have found recidivism rates from 29% to 49%. Tentatively, CVS results look very positive, but there are numerous considerations weakening the validity of any comparisons with other probation activities. "Recidivism" was equated with re-arrest in CVS

<sup>39</sup> Apparently, many persons released each year under Philadelphia's ROR program are placed in residential or in-patient programs, so that they are subject to considerable control. Volunteers are assigned to clients among those not so placed, and this may help explain the second year's higher "no-show" rate.

figures, for example, while other studies have addressed conviction rates as a measure of recidivism. The clients served by volunteers may be an unrepresentative sample of all those served by probation, and no effort was made to introduce an experimental design to comparison of "volunteer" and "non-volunteer" groups. Finally, while CVS figures are for each year of the program, the rates in other studies may be for the entire probation period. It appears that a more rigorous assessment of volunteer effectiveness must await conclusion of the "Intensive Services Delivery and Assessment" program now underway in Philadelphia.

### Conclusion

As a vehicle for improving public understanding and involvement in the criminal justice system, while providing additional manpower resources, this has been an effective program. In these respects it accomplishes part of what was called for in applicable standards of the National Advisory Commission. Data are inconclusive, however, about the cost and benefits of the program in comparison with full-time probation officers, about its effect in two areas of heaviest volunteer involvement: (1) crime reduction, as reflected by recidivism rates of persons served by volunteer probation aides; and (2) delays in the criminal justice process caused by failures-to-appear by defendants given pre-trial release with volunteer aides assigned.

## COURT VOLUNTEER SERVICES (CVS)

### Evaluation Source Documents

Philadelphia Court of Common Pleas, Adult Probation Department, Court Volunteer Services, "Annual Report 1976-1977" (unpublished report, July 1977).

\_\_\_\_\_, "CVS: People Helping People" (brochure, 1976).

\_\_\_\_\_, "Staff Manual" (1977).

\_\_\_\_\_, "Report for Month of June 1976; Progress Report for the Year [July 1975-June 1976]" (unpublished report, July 1976).

\_\_\_\_\_, Volunteer Packet (undated).

Further information relating to this program was obtained from interviews and from the general source documents listed above at the beginning of this report.

COURT REPORTING: VOICE WRITING  
IMPLEMENTATION

COURT REPORTING:  
VOICE WRITING IMPLEMENTATION

Court reporting involves two major functions: recording trials and other court proceedings; and when needed, transcribing the record of these proceedings. In recent years, Philadelphia courts (like other court systems throughout the country) have had marked increases in case volume that have strained the capacity of traditional court-reporting methods, creating delays in transcript production and increased costs.

This subproject was intended to explore voice writing as an alternative to the machine-shorthand ("stenotype") method of court reporting. In the stenotype method, a reporter records proceedings by machine, then usually dictates his notes by tape recorder for himself or a typist to use in preparing a transcript of the record. In the voice-writing method, microphones are used to record one or more courtroom speakers on multi-track audio tape, while the reporter simultaneously dictates the proceedings on a separate channel of the tape, using stylized diction to give transcriber instructions, speaker identification and punctuation. The tape can then be transcribed by the reporter or a typist.<sup>40</sup>

I. History and Present State of Voice Writing Implementation

In 1974, Philadelphia courts were faced with a sizeable backlog in transcript production. The initial ECP grant application singled out the court system's

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<sup>40</sup>For discussions of voice writing and other court reporting techniques, see National Center for State Courts, Management of Court Reporting Services, [hereinafter, Management of Reporting] (pp. 27-34 (August 1976)); Multi-Track Voice Writing: An Evaluation of a New Court Reporting Technique, [hereinafter, Voice Writing Evaluation] pp. 3-4 (October 1973); or Selection of a Court Reporting Method for the Oregon District Courts, pp. 4-5 (May 1973).

exclusive reliance on the stenotype court-reporting technique as one important reason for the backlog.<sup>41</sup> It was observed that the stenotype method involves three steps--recording, dictation, and typing--while voice writing eliminates the dictation step. The stenotype method was thus seen to impose demands on personnel and time resources that would be reduced by introduction of the two-step voice writing technique.

Another reason why stenotype was seen contributing to backlog problems was that the length of time necessary to train a person in the stenotype method--usually two years--created a shortage of qualified and reliable stenotype reporters, thereby increasing the cost of their services. The voice writing technique, on the other hand, had been found in a federally-funded study to require only six months training in order for trainees to become competent court reporters.<sup>42</sup>

For both of these reasons, further experimentation with voice writing was considered to have great potential for reducing costs and transcript delay. The ECP subproject was to be a pilot program in which Mr. Joseph Gimelli, originator of the Gimelli method of voice writing, would serve as a consultant to participate in selection of prospective voice writers and oversee a training program that would last from eight to 24 weeks, depending on the progress of individual trainees. At the end of the training program, a voice

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<sup>41</sup>ECP Phase I Grant Application, page G-2.

<sup>42</sup>See Voice Writing Evaluation, pp. 19-41. Voice writers trained under this study performed very well in reporter examinations given for federal courts, New York, New Jersey and Massachusetts. In a field evaluation phase of the study, voice writers recording actual civil and criminal proceedings in several jurisdictions (including Philadelphia: id., pp. 68-69) were well-received by judges and administrators.

writer pool was to be created. The impact of the pool on transcript backlog could be measured, and the performance of voice writer under actual working conditions could be evaluated.<sup>43</sup>

As first contemplated in the initial ECP grant application, this subproject was to have a three-year budget of \$321,442 (of this amount, \$117,633 was to be spent in the first year).<sup>44</sup> After the delays experienced in implementation of ECP Phase I and the sharp reduction of LEAA funding for Phase II, however, it was decided not to provide continuation funding for voice writing implementation.

In fact, much less than the \$117,633 originally allocated for Phase I of the subproject was actually spent for it. Over 60% of the first-year budget was intended to provide salaries for voice writer trainees and additional typists. But after ECP began it was decided that voice writer trainees must be selected from candidates who were already court employees paid from the court system's operating budget. Consequently, no federal funding was provided for voice-writer trainees; furthermore, no typists were hired because of training delays.

In May 1975, eleven months after the date of the original ECP grant application, sixty court employees took the court reporter examination administered by the personnel department of the city. Ten people passed the test, and nine of the successful examinees were selected by a screening committee for voice writer training. Mr. Gimelli, the consultant overseeing selection and instruction of trainees, was not satisfied with the constraints imposed on the selection process by the requirement that court employment be a condition of eligibility. He observed that even those finally selected for training all had

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<sup>43</sup>ECP Phase I Grant Application, pp. G-5 to G-7.

<sup>44</sup>Id., pp. VII - XI.

deficiencies in language and typing skills that would have disqualified them under standards he would otherwise have applied.<sup>45</sup>

In September 1975, fifteen months after the ECP grant application, the voice writer training program began with seven students. Because all of the trainees were full-time employees, training sessions were scheduled for late weekday afternoons and Saturday mornings, over a 13-week period. Pressures associated with such a schedule caused three trainees to drop out before completion of the program. Problems were aggravated by difficulties in procuring suitable equipment.<sup>46</sup>

One facet of the training program was to place the trainees in actual court sessions. Resistance to the voice writers from stenotype reporters was anticipated. But the voice writing subproject coordinator tried to assign voice writers in a manner that would avoid problems with stenotype reporters. The trainees were uniformly well received by judges; and, with some exceptions, stenotype reporters were cooperative.<sup>47</sup>

Upon completion of the training program in January 1976, the four remaining students were administered a test by Mr. Gimelli requiring a performance level equalling or exceeding standards for court reporter qualifying tests in most jurisdictions throughout the country.<sup>48</sup> All four performed very well (scoring 97% or higher, with 95% considered a passing grade). In February 1976, the same four people took the qualifying examination for court reporters, and two passed. (When the same test was administered earlier in the same month, only three of seventeen stenotypists taking it were successful.)

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<sup>45</sup>Joseph Gimelli, letter to J. Denis Moran, with general report of ECP voice writer training program, work summary, and invoice for services attached [hereinafter, Gimelli letter] (February 20, 1976).

<sup>46</sup>ECP Progress Report, p. 5 (June 1975).

<sup>47</sup>Gimelli letter, Student Summary, p. 7.

<sup>48</sup>Id., p. 6.

## Present State

In the months following the administration of the February 1976 examination, there were no further activities in the voice writing subproject. It was not refunded under the ECP continuation grant. Not until August 1977 was one of the two successful voice writer examinees appointed as a reporter, in the court system's mental health unit. In December 1976, that reporter was finally transferred to the general court reporter pool, and her place in the mental health unit was taken by the other voice writer who passed the February 1976 examination. One person interviewed during this evaluation attributes the problems experienced in the further implementation of voice writing to the active resistance of stenotype reporters to the new technique, and to the absence of more active judge support for voice writers. Equipment apparently poses an additional problem, since the machines now available for voice-writer use are seen as out-dated. Procurement of newer cassette tape machines, that are more portable, use tapes more easily stored when completed, and allowing easier in-court change of tapes, is seen as an important step necessary for increased capacity to implement the voice-writing technique in the Philadelphia Courts.

## II. Commentary

In the National Advisory Commission's volume of standards and goals for the courts, it is recommended that courts make a major effort to reduce transcript delay, either through technological innovation or increased personnel, with the goal of having transcripts on appeal available within thirty days after the close of trial.<sup>49</sup> While the voice writing implementation effort as originally

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<sup>49</sup>NAC, Courts, Recommendation 6.1.

conceived might clearly have been such a "major effort" in the area of technological innovation, considerations wholly unrelated to the merits and internal operation of the subproject helped assure its inability to approach the national standard. Producing two persons able to qualify as court reporters, who were not assigned as reporters until 18 months or more after the completion of its training program, the subproject achieved no results measurable in terms of the NAC recommendation.

As mentioned above, the voice writer training program operated for 13 weeks from September 1975 to January 1976. Each week there were two three-hour formal training sessions and two two-hour practice sessions. Thus the program consisted of 78 hours (six hours per week for 13 weeks) of formal training and 52 hours (four hours per week for 13 weeks) of informal practice sessions. This amount of time for training is considerably less than the amount considered optimal for voice writer training, even for students with more formal education and greater language and typing skills than those participating in the Philadelphia program.<sup>50</sup> That two of the program's trainees qualified by examination to be court reporters after such a comparatively short program is a testament not only to the quality of the training methods employed, but also to the talent and determination of the successful trainees.

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<sup>50</sup>In Voice Writing Evaluation, a 1973 study of the voice writing technique by the National Center for State Courts, six trainees in Atlanta, Georgia, were given 89 hours of class instruction and an average of 83 hours of practice time over a three-month period. In Washington, D.C., fourteen students received over 130 hours of classroom instruction and an average of 137 hours informal practice time over an intensive five-week period. Almost all of these students had at least some college education, and most possessed undergraduate degrees. Given standard court reporter examinations for three jurisdictions, nineteen of the twenty trainees in the study achieved passing grades. The study concluded that additional classroom instruction and in-court internship, totalling 99-150 hours, would improve the training program.

## Conclusions

Given the constraints under which it operated, the Voice Writing implementation program must be considered a remarkable success. Severe limitations were imposed on the subproject, including:

- (1) a drastic cutback in available funding;
- (2) restriction of the pool of possible candidates;
- (3) reduced and inconvenient training hours.

Yet, under such less-than-optimal conditions, the program was able in 13 weeks to produce graduates able to pass an examination for which stenotype reporters must train for twenty-four months or more.

COURT REPORTING:  
VOICE WRITING IMPLEMENTATION

Evaluation Source Documents

Gimelli, J., letter to J. Denis Moran, with attachments: general report of ECP voice writer training program, work summary, and invoice for services (February 20, 1976).

Philadelphia Court of Common Pleas, Exemplary Court Project, Progress Reports dated June 30, 1975 [cited in text as ECP Progress Report (June 1975)], September 30, 1975, and June 30, 1976.

Philadelphia ECP Refunding Evaluation Team, Report, "Voice Writing Refunding Evaluation Report," pp. 108-117 (1976).

See the beginning of the report for general source documents relied upon in making this evaluation.

MANAGEMENT AND PLANNING UNIT

## MANAGEMENT AND PLANNING UNIT

Created as part of the administrative apparatus of the ECP, the management and planning unit aiding the ECP Coordinator (initially called the Project Management Unit) was "to create, train, and operate an aggressive management team which will approach identified problem areas in the criminal justice system wherein the Standards and Goals have not been achieved and to develop recommendations for the most efficient and effective means of bringing the present operations in line with the standards and goals as set forth by the National Advisory Commission."<sup>51</sup> Subsequent name changes point to changes in duties. In the Phase II grant application, the unit is referred to as the Management, Evaluation and Planning Unit.<sup>52</sup> A further change is seen in the "Condition 8" Document, which refers to the component as the Management and Planning Unit.<sup>53</sup>

### I. History and Present State of Unit

Initially, the Management and Planning Unit of ECP was conceived as a means of providing training opportunities for new middle management positions. In the formative period of the project a deficiency was seen to exist in selecting and preparing staff for new responsibilities. This early training emphasis was rejected in the 1973 Court Impact Plan in favor of a program planning capacity;<sup>54</sup> however, vestiges have remained.

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<sup>51</sup>ECP Phase I Grant Application, p. K-4.

<sup>52</sup>ECP Phase II Grant Application, p. A-2.

<sup>53</sup>"Condition 8" Document, p. 20.

<sup>54</sup>The Court Impact Plan sought to gauge shortfalls in the attainment of NAC standards by Philadelphia courts. A 1976-77 "Delphi" survey was conducted by the Management Unit at the request of the President Judge. The survey, seeking to assess planning needs, indicated a change in the role of the unit.

The Phase I grant application set the three-year budget for this unit at \$1,126,000. As with the other subprojects, its budget was cutback sharply to \$582,000. (Actual allocation of federal funds to the unit in Phase I and II was reported to be only \$271,905, of which \$51,525 was for rent to house PJIS and Management staff.)

The unit set about evaluating and remedying deficiencies in a series of nine court standards as applied in Philadelphia. The unit also expanded its tasks to embrace planning for the long and short term needs of the court. Gradually the unit also undertook a wide range of tasks (including responses to a substantial number of information requests) which, although not initially assigned, were regarded as important to overall project success.<sup>55</sup>

Much of the work of the unit, determined simply by reference to the grant applications and subsequent reports, was to be in attaining or exceeding MAC recommendations in nine areas. The first year grant application developed in 1973 listed the nine targeted goals to be the focus of the Management Unit. The 1973 Court Impact Plan served as the basis from which the respective standards were selected. In some instances, between the application and full activation of the unit, goals had been reached. In other instances, goals reached after the establishment of the unit were the result of prior work and cannot properly be credited to the unit.

First to be addressed was Courts Standard 4.2 concerning citation and summons in lieu of arrest. After repeating the requirements of the standard, the "Condition 8" Document asserts that "Philadelphia is presently in line with Standard 4.2."<sup>56</sup> While the "Condition 8" Document is silent on the role of

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<sup>55</sup>See Exhibit 12 below for a partial list of accomplishments claimed by the unit.

<sup>56</sup>"Condition 8" Document, p. 23.

Exhibit 12. Accomplishments Claimed by ECP Management,  
Evaluation and Planning Unit

- . Developed procedure for payments to court-appointed counsel.
- . Developed poverty standards for appointment of the public defender.
- . Developed procedure (including computerization) for revocation-of-probation hearings.
- . Developed local confidentiality guidelines for PJIS.
- . Prepared booklet on the Philadelphia Courts for the Office of Public Information.
- . Developed Pre-Sentence Psychiatric Form.
- . Conducted study, security of case files.
- . Prepared victimless crime report.
- . Conducted two extensive recidivism studies.
- . Prepared report on Fair Trial/Free Press issue.
- . Conducted courtroom security study.
- . Produced Court's Monthly Statistical Report.
- . Developed paper on CAT for national distribution.
- . Redesigned Witness Subpoena Form.
- . Prepared cost study on court operations.
- . Conducted survey of all computer reports.
- . Developed procedure for 60-day report.
- . Conducted security survey for Sheriff's Office.
- . Developed Attorney "20 Case Rule" report.
- . Helped to develop case weights for the Pennsylvania State Court Administrator's Office.
- . Redid Municipal Court Transcript and Bail Form.
- . Developed continuance report.
- . Developed jury utilization report.
- . Prepared booklet supporting request for judicial raises.
- . Conducted Delphi Survey to assess court needs.
- . Developed analysis of robbery cases.
- . Prepared Second Year ECP Grant Application.
- . Prepared four budget modifications for First Year ECP Grant Application.
- . Maintained list of all ECP employees for EEO compliance, served on EEO committee.
- . Involved in Sentencing Guideline Project.
- . Involved in implementation of "One-Day, One-Trial" Jury System.
- . Prepared report on peremptory challenges.
- . Prepared reports for Court's Committee on ECP.
- . Conducted analysis of court reporter transcripts.
- . Developed report on national mandatory sentencing patterns.
- . Prepared paper on planning process.
- . Assessed impact of impending court rules.
- . Prepared statistical pages for Court's Annual Report.
- . Prepared report on arbitration program.
- . Prepared numerous special statistical reports.
- . Work on ECP budget and regular court operating budget.

the Unit in this effort, the second-year grant application<sup>57</sup> refers to the Unit's work in designing the citation form. The Unit also developed procedures and revised the assessment fee scale to extend the concepts to other areas. The Management Unit did develop a citation and summons form to be used in the recommended procedures.

Courts Standard 4.3 recommends that preliminary hearings not be available in misdemeanor prosecutions. Unit staff, after an extensive study of the "arraignment" procedure in Philadelphia, concluded that the stage should not be eliminated, since this procedure is used for setting bail and assuring adequate representation. The study concluded that its abolition would disrupt caseflow and result in additional requests for continuances.

The standard, 4.10, on pretrial motions and conferences was also the subject of a unit report.<sup>58</sup> This study discussed the experience in other jurisdictions and the likely consequences of adoption of omnibus hearings in Philadelphia. It was recommended that discovery be expanded and that a checklist for prosecution and defense be adopted to facilitate the use of the hearing. At the time of the recommendation, Pennsylvania rules provided for limited discovery and because the standard would permit extensive discovery, the report was not acted upon. Subsequently the Pennsylvania Supreme Court relaxed discovery by rule and the unit staff asked that the form checklist which had been developed be adopted. Only then did the unit learn that the Philadelphia Bar, proceeding independently, had undertaken a similar study and produced similar forms which were acceptable to the Court.

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<sup>57</sup>ECP Phase II Grant Application, pp. A-18, A-19.

<sup>58</sup>Management, Evaluation and Planning Unit, "Omnibus Hearing Report" (August 13, 1975).

General Court Regulation 73.9 "Application for Continuances" meets the requirement of Courts Standard 4.12 on continuances. The unit, however, as an ongoing task monitors continuance rates. This has been a significant effort, including development of continuance codes, coding procedures, training and design of three court forms. A monthly report on continuance and the enforcement of the continuance rule has been used to reduce the continuance rate.

The unit was responsible to study the attainment of Courts Standard 4.13, Jury Selection. An analysis of data collected and recommendations to support judicial voir dire of jurors was approved and implemented by the court. In addition, the unit completed a study on preemptory challenges recommending that in capital offenses ten challenges be allotted to each litigating party. Judicial leaders proposed and submitted proposed legislation for this purpose which has not been acted upon. Subsequently, the Pennsylvania Supreme Court ruled the death penalty unconstitutional and, as capital offenses had been abolished, local court rules could limit challenges to the levels recommended in the unit report.

Jury size and composition, the subject of Courts Standard 4.14, was the subject of another unit study. An inquiry, completed in early 1976, analyzed the use of six and twelve person juries. It was asserted that six-person criminal jury panels would be desirable "from a cost/benefit perspective." The unit also began production of bi-annual reports on jury usage. The steps taken to reduce non-productive time by the jurors were apparently regarded as beyond the scope of the unit's duties and use of the data generated by the unit remains unclear. This may be related to the relatively independent status of the jury commissioner who is elected by the Board of Judges. Recent increased cooperation with the jury commissioner in relying on the unit statistical information may have the effect sought in the standard.

Although several steps had been taken toward attaining Standard 4.15, the trial of criminal cases, the goal of the exemplary court project and the management unit in particular is not explicit. The unit, which was not assigned general responsibility to improve court procedures directly, did review the comprehensive appraisal and analysis of Philadelphia criminal and civil court rules completed by the law clerk to the president judge. The publication of the final product, a compilation of the local court rules, was a responsibility of the unit. Unit staff also wrote a standard operating procedures manual detailing steps in court operations. The manual is now being revised and published in monthly installments. As part of this standard, the unit also developed a series of questions to be used by judges at voir dire and recommended extension of the court day, to begin at 9 a.m. rather than 10 a.m. Efforts by the unit to foster a conflict-free scheduling project as part of PJIS were frustrated by curtailment of funding and by difficulties faced by PJIS.

One of the efforts of the unit in attaining Standard 4.15 related to the organization of Philadelphia's first judicial training seminar which focused on sentencing disparities.<sup>59</sup> At one point the unit intended to cooperate with the presentence study unit on the sentencing guidelines study. Original plans envisioned the parallel development of guidelines by three researchers. This triplication of effort was founded upon a similar approach taken by the sentencing team in the project being conducted at the State University of New York, Albany, School of Criminal Justice but was abandoned in Philadelphia when a researcher left and when the unit lost its programmer for the project. The sentencing guidelines study is continuing in the presentence unit.

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<sup>59</sup>The Judicial Training Seminar involved over 200 participants and about 20 guest speakers. The Unit was responsible for preparing a grant application and for actual conference planning.

Standards 15.1 and 15.2 relate to the court component and responsibility in the development of a plan in the event of a mass disorder. The unit was active in this, preparing first an abbreviated "emergency court" plan and then a more detailed work requiring extensive coordination. The latter plan included the police department's emergency mobilization manual, the municipal courts' emergency guidelines, family courts' emergency plan, district attorney's office emergency provisions, Philadelphia prisons emergency plan and details for transportation and meals for detentioners and court personnel as well as procurement of supplies.

Along with the work on specific standards the unit was designed to serve as the management arm of the Exemplary Court Project executive director. Apart from the substantive work of the project there have arisen three major, and continuing, procedural problems which have dampened overall project performance.

Attempts to conform, for a large number of employees, with EEO hiring requirements, resulted in long delays in several component projects. While the courts had complied previously in individual cases, compliance in the many projects within this grant, while serving a laudable and necessary purpose, significantly delayed performance. Schedules of subprojects which might otherwise have been amenable to coordination were disrupted as effective starting dates were shifted. Although the project coordinator was heavily involved in assuring compliance, his own management unit was among the most severely handicapped by the hiring delays.

The PJIS component, regarded by many as the centerpiece of the ECP, became the object of spirited debate over confidentiality of information as discussed elsewhere in this report. The PJIS controversy consumed much of the ECP

executive director's time, leaving little time for ECP supervision or integration of the management unit into ECP operations. The management unit itself had little direction, power or liaison responsibility with the PJIS staff by which it could effectively aid the coordinator.

A substantial LEAA funding cutback in the second year grant adversely affected the management unit as it had several other subprojects. Research avenues were abandoned, new staffing was curtailed and liaison with some disappointed staff members became more difficult.

#### Present State of Unit

The management unit is now regarded as a planning and research group and much of its work can be classified within these areas. In reviewing work products of the unit a mix of planning/research and administrative/managerial functions is often discernable. In several instances staff have been asked to uncover a problem, then to recommend and carry out means of improvement without the necessary authority. The rift between the research and the operational duties is traceable in part to the grant applications, which require both standards and goals attainment and monitoring of others.

#### II. Commentary

Although under a single project leader, the ECP subprojects do not (except in that they relate to NAC standards and goals) function in a coordinated way. The executive director in the discharge of his duties was to look toward the management unit to aid in monitoring the work of the subprojects, although unit staff members did not consider this responsibility as clearly delegated to the unit. While liaison with the subprojects directors was the responsibility of the executive director, it was to be exercised through the management unit. Sensing the value of greater coordination for the ECP director, the management unit undertook a more comprehensive liaison rôle. However actively

involved it became in liaison, the unit was also to maintain the detachment necessary for evaluation and recommendation on refunding decisions. Tension between these often conflicting roles was often resolved by favoring simple liaison over evaluation and monitoring.

Whether the two executive directors, in their respective terms, could reasonably have been expected to coordinate and control activities of departments and agencies over which they had little or no control is a central problem in evaluating the overall project's success. Projects within the office of the district attorney or the probation department posed various coordination problems where subprojects required cooperation from city agencies outside ECP, coordination was even more difficult.

Difficulty in isolating the effective area of control by the executive director was heightened when that control was delegated to a subproject.

The management unit was to monitor the progress of each of the other subprojects for reports to the executive director. Although the management staff believed there was an insufficient mandate for this duty, the second year grant application expressly states that the "executive director through the management unit is responsible for monitoring the progress and documentation on each of the standards and goals project." As earlier described, the circumscription of the executive director's monitoring role resulted in confusion in the unit through which this function was to be carried out. Criticisms could then have been directed not at the components or personalities involved, but at the organizational model (wherein the responsibility appears to have exceeded the authority).

The organizational and functional relations of the ECP executive director with the management unit needed adjustment; defects in the relationship doubtless contributed to some of the overall project shortfalls. Ideally the executive director should have, in concert with an advisory group, set

policy for in-house operations and subproject relations and should have guided the work of the management unit. With clearly delegated authority from the executive director, management unit staff could actively have served as liaison with other components. This duty, properly executed, would have increased the credibility of the unit as it went forward with research and development and planning activities in support of operational units. Assured that internal relations among subprojects were carried out smoothly, the executive director could have turned to external relations to stimulate support for the projects.

Many problems faced by the unit were the effect of its delayed entry into the operational setting. The unit experienced longer delays than other elements in the EEO compliance period and as a consequence has been regarded as a "late addition" by other units. Established relations among other projects were not modified to assure acceptance of the management unit's overview role. Perhaps if the unit had been given the opportunity to join in establishing measures of performance, other projects would have been more receptive to its role and would have benefited from the guidance afforded by such measures. As a result of these organizational factors the unit has not been fully integrated, and the individual talents of its staff members have not been best used.

The unit was somewhat more successful in work on the several standards described above. However, even in these areas limited distribution of its many publications of findings diminished the value as an exemplar for other projects. Although one of the tasks of the unit was the preparation of a quarterly ECP newsletter, "ExCePtions," to report on the progress of the project, that publication appeared only irregularly, due in significant part to delays in the start-up and progress of subprojects. The unit published some articles, aided in the preparation of brochures and a slide presentation for other subprojects, and supplied information on an individual basis.

## Conclusions

Continued nationwide emphasis in judicial planning may yet vitalize the management unit, which should be strengthened and given the active support of project leaders and the court as a whole. If the assignment of planning responsibilities is to be meaningful the views and plans of the unit should be given full hearing, and, if earned, credence. Court policymakers should view the work of the unit as a resource in making management decisions, and they should clarify its responsibility and authority; without this the continuation of the unit would not be justified. To date, assessing what has been achieved in the light of the money expended and the people involved, the unit can only be regarded as marginally successful.

## MANAGEMENT AND PLANNING UNIT

### Evaluation Source Documents

The sources relied upon in the preparation of this section are the general source documents listed above at the beginning of the report.

APPENDIX

COMMENTS ON JUSTICE COMMISSION QUESTIONS

## APPENDIX

### COMMENTS ON JUSTICE COMMISSION QUESTIONS

On February 28, 1978, a draft copy of this evaluation report was submitted to the Governor's Justice Commission of the Commonwealth of Pennsylvania. Certain salient issues, while treated in the main body of the report, are highlighted here in response to six questions posed by Thomas J. Brennan, Executive Director of the Justice Commission, in a letter dated March 27, 1978.

Question: What are the factors that contributed to discontinuation of the line booking system? What happened to police/court cooperation?

Comment: The police were concerned with three factors:

- 1) The full cost of entering the information was borne by the police.
- 2) Confidentiality of some of the police information may have been compromised in passing it on to other agencies.
- 3) While the police were providing the input for the system, they were not receiving the projected outputs from the PJIS.

Cooperation broke down because of the reasons cited above and because of the widespread feeling, prevalent after the funding cut-back, that PJIS would never reach operational status.

Question: With hindsight, it appears that the City was oversold on the value of the project. What lessons have been learned regarding such things as (1) having hardware developers involved in the design stages, and (2) the type of political/administrative setup that would be appropriate for a large single criminal justice computer system?

Comment: In answer to the first part of the question, the design of a PJIS-like system should be undertaken at the direction of the court system's own policy makers and with the assistance of a technically-qualified internal staff or consultants. Unless there are overriding special considerations, it would be unwise to involve hardware developers in the design stages of such a project because of the possibility that the design will be tailored in their own interest.

Before addressing the second part of the question it is worth considering a more basic one: is it desirable to undertake such a

of the diversity of the participants? The participants come from different branches of government, which have been guided in their actions by the separation of powers concept, central to our form of government. Further, the relations of the participants cuts across federal state and local levels of government. These differences in roles and responsibilities often do not promote a spirit of cooperation.

While the quality of leadership and the composition of the policy board are important factors in creating a political and administrative setting conducive to an effective criminal justice computer system, the most important ones may even be more basic:

- The provision for an adequate and continuing source of financing.
- Substantial agreement by all parties concerned, including citizens, of the desirability of the project.
- The resolution of related issues such as confidentiality of information.

Question: Given the federal funding problems and less than anticipated resources, would it have been better to cut out more subprojects, thereby concentrating on implementing a few separate projects?

Comment: Not necessarily. One option would have been to apply all of the remaining resources to PJIS: it is not clear that that course would have produced any better results. The alternative chosen permitted many of the other subprojects to proceed to completion with some beneficial results.

Question: To what extent was there overall coordination? Who was making decisions and what did they do or not do which affected the project?

Comment: In the last analysis, project leadership must bear the responsibility for the results. However, two factors, the project environment and problems in the use of the project's management and planning unit, hindered coordination of the project.

- Project environment: Because the projects were of such a diverse nature, ranging from computer system to sentencing, coordination of substantive undertakings was rendered inherently difficult, i.e., there may have been nothing to coordinate. Many of the subprojects, such as witness utilization, district attorney's management information system (DAMIS), were outside the direct control of the courts. Exacerbating the difficulty of coordination even further was the varying start-up times of the subprojects.
- Problems in the use of the project's planning and management unit: The project coordinator did not make effective use of the planning and management unit. Two factors are important:

- The coordinator did not establish a clear mandate for the unit.
- The coordinator and the unit did not have a close working relationship.

The management and planning unit's effort was compromised further because it did not have continuing access to court policymakers.

The placement of the management and planning unit within the organizational structure, under the project coordinator, made it difficult for the unit to conduct evaluations effectively. The cornerstone of evaluation, according to the U.S. General Accounting Office, is that the evaluators must have an independent status. One way to accomplish this would have been to have the management and planning unit report directly to ECP policymakers.

Question: How and to what extent did local problems affect the project?

Comment: The following local problems affected the project significantly.

- . Community resistance to automated criminal records.
- . The delay associated with the court's attempt to apply EEO guidelines on a wide-scale basis.
- . The turnover in court leadership.
- . The police withdrawal of support for the on-line booking component of PJIS.
- . Potential conflict of interest involved in IBM's role.

Question: Were the state guidelines for privacy and security followed?

Comment: The state guidelines did not bear directly upon the results of PJIS. However, the formulation of local guidelines and the knowledge of the preparation of state guidelines stimulated a public debate, which contributed to the PJIS delay. (ECP policy apparently was to follow the most restrictive elements of either state or local guidelines.)



**END**