

65458
c.



✓ LANCASTER COUNTY
✓ PRE-TRIAL DIVERSION PROGRAM

✓ EVALUATION FINDINGS
FOR 1977 FELONY DIVERSIONS

NCJRS

MAR 3 1980

ACQUISITIONS

LANCASTER COUNTY PRE-TRIAL DIVERSION PROGRAM

ERIC A. McMASTERS
DIRECTOR
RONALD D. LAHNERS
COUNTY ATTORNEY

2202 SOUTH 11TH STREET
LINCOLN, NEBRASKA 68502
PHONE: (402) 475-3604

PREFACE

This report is a summary of the Lancaster County Pre-Trial Diversion Program (PTD) operations for all felony diversions intaked during calendar year 1977. It describes participants' intake characteristics, changes and performance while in the program, and their status one year later in areas believed to be important as indicators of the likelihood of new offenses and/or an individual's ability to function independently and responsibly in the community. These areas include employment, education, drug and alcohol usage, mental health, volunteer community service work and restitution. It does not include all of the cases handled by the program during this time period as many 1976 diversions were in PTD in 1977. Also, information on the misdemeanor component is not included as it had been ongoing for only four months of the year.

This effort represents the major portion of the PTD evaluation design. It is not complete, however, as two parts of the overall evaluation are not included herein. A comparison group of felony cases processed by the Lancaster County Court system during 1974, the year before PTD began operation, was developed to determine if there were any differences in recidivism between this group and the 1977 PTD cases. Due to difficulties in the control of matching prior record variables between the two groups, this study has not been completed to date. Once done, it will be published as a separate report. Also, an extensive cost study is underway to ascertain if PTD is cost-effective when compared to traditional methods of handling offenders. Since the basis for this study relies heavily upon the information obtained from the 1974 comparison group, its publication has been postponed until that project is completed. Thus, while this report contains considerable information about PTD, no definite conclusions on the program's overall effectiveness can be made based solely on its content.

Individuals who are interested in the complete evaluation should request the recidivism and cost studies which should be available by December, 1979.

A detailed description of the Lancaster County Pre-Trial Diversion Program eligibility criteria is included as an appendix to this report.

Eric A. McMasters
Director

Ronald D. Lahnens
County Attorney

October 1979

TABLE OF CONTENTS

PREFACE	i
I. PROGRAM DESCRIPTION	1
Purpose/history/administration/felony component/misdemeanor component/screening component/research and evaluation	
II. DEMOGRAPHIC CHARACTERISTICS	3
III. OVERVIEW OF OPERATIONS	7
Felony component/misdemeanor component	
IV. PERFORMANCE INDICATORS	8
Recidivism/nature of recidivism/employment/ education/community services referrals/drug and alcohol usage/participants impressions/self concept	
F. CONCLUSION	16
APPENDIX A — Lancaster County Pre Trial Diversion Program Criteria	18

I. PROGRAM DESCRIPTION

PURPOSE

The purpose of the Pre-Trial Diversion Program (PTD) is to provide a method whereby eligible, non-dangerous individuals who have been charged with certain non-violent offenses may voluntarily earn dismissal of these charges with a positive contribution to the community. To do this, a participant and the PTD staff work together to decide upon appropriate goals for the person to pursue to demonstrate a personal commitment and responsibility in exchange for the charges being dismissed by the County Attorney.

Individualized program agreements are signed by the individual and the Program and approved by the County Attorney. Agreements include any number of the following areas as appropriate:

Felony

- no new offenses
- restitution to victims
- employment
- education or training
- consumer education course if checks offense
- volunteer community service
- drug, alcohol or mental health treatment

Misdemeanor

- no new offenses
- restitution to victims
- drug/alcohol course if drug offense
- consumer education course if checks offense
- volunteer community service

HISTORY

In 1974, the Judiciary Committee of the Nebraska Legislature authorized a study to determine the feasibility of a pre-trial diversion program for Lancaster County. The research was conducted by the present director of the Pre-Trial Diversion Program and a Deputy County Attorney.

As a result of the study, the Lancaster County Attorney, Ronald D. Lahners, subsequently established a steering committee of local criminal justice and governmental representatives to plan for the implementation of a diversion program for adult felony offenders. Technical assistance was provided by Arnold J. Hopkins, at that time the Director of the National Pre-Trial Intervention Service Center of the American Bar Association Commission on Correctional Facilities and Services. The Lincoln City Council and Lancaster County Commissioners, through an interlocal cooperation agreement, each agreed to provide one-half of the required local matching funds for a three-year federal demonstration grant from the Nebraska Commission on Law Enforcement and Criminal Justice. The initial grant was awarded in May, 1975. The Program became operational in September, 1975, and in September, 1977, its scope was expanded to include misdemeanor diversions. The third year grant expired in October, 1977. Since then, the City Council and the County Commissioners have provided funding on an equal share basis.

ADMINISTRATION

PTD is administered by the Director, who is jointly responsible to the County Attorney and County Commissioners. It is a separate county department and the Director is classified as a department head in the personnel system. All permanent employees are included in the personnel system also. A 16 member Steering Committee, comprised of eight local government and criminal justice representatives and eight citizen representatives appointed by the County Commissioners and City Council, act as a policy advisory body to the Director and County Attorney.

FELONY COMPONENT

Two full-time permanent counselors and two one-half time doctoral students from the University of Nebraska, Department of Educational Psychology, are responsible for all direct services and supervision of the people in PTD for felony offenses. The doctoral students are on contract to PTD. Each full-time counselor maintains an average caseload of 35-45 individuals and each part-time counselor 15-25 people. The counselors provide direct counseling services and act as brokers for community resources to help participants obtain needed services. The counselors also design and conduct various classes as needed. These include, for example, the drug and alcohol course, the consumer education course, women's groups, etc.

MISDEMEANOR COMPONENT

One full-time counselor is responsible for the individuals in PTD for misdemeanor offenses. The average caseload ranges from 75-100. This counselor is responsible for the development and maintenance of all community agencies where placements are made for volunteer work which is required for all misdemeanor offenders. This position also monitors all of the felony participants' volunteer work, although these cases are assigned to other staff members. She assures all placements are going as agreed and that evaluations are completed by the agencies. This person also recruits new agencies for placements. Some of the most frequently used local organizations include: CONTACT, Inc., Children's Zoo, Open Harvest Food Cooperative, Bryan Hospital, Lincoln General Hospital, Cedar's Home for Children and the Recycling Center.

SCREENING COMPONENT

One full-time screener is responsible for the daily coordination with the County Attorney and County Court to identify individuals eligible for PTD, make initial contact with them to explain the program, and schedule intake interviews if they are interested in PTD. The screener's office is located at the County-City Building. The screener conducts all intake interviews for both felony and misdemeanor participants. A constitutional rights questionnaire, social history and criminal history is obtained and background investigation is done as needed. Each person is assigned to a counselor and the initial interview between the person and counselor is arranged by the screener. The screener maintains liaison and communication between the program, County Attorney, and County Court for all matters related to PTD participants. One permanent half-time screener also assists in the screening process when the full-time screener is not available.

RESEARCH AND EVALUATION

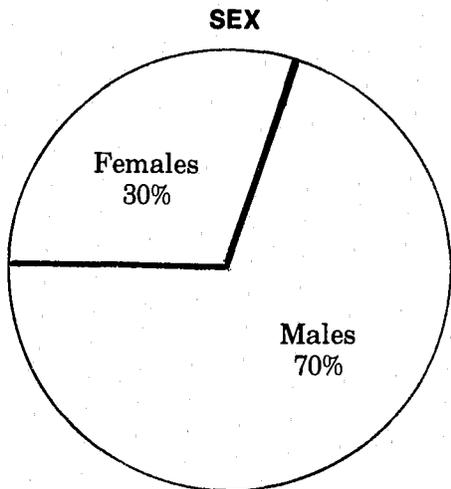
Outside professional evaluation services are contracted to provide necessary technical assistance to the overall evaluation effort beyond that available from the Program Director. An experienced interviewer is contracted to conduct telephone interviews with former participants one year after leaving the program to collect information used in the Program's evaluation methodology.

The part-time screener is also responsible for maintenance of the research and evaluation data collection. Several major research projects are done during the year and the computerized Management Information System is updated and processed annually. This person also conducts whatever background investigation is necessary to locate former participants for follow-up interviews.

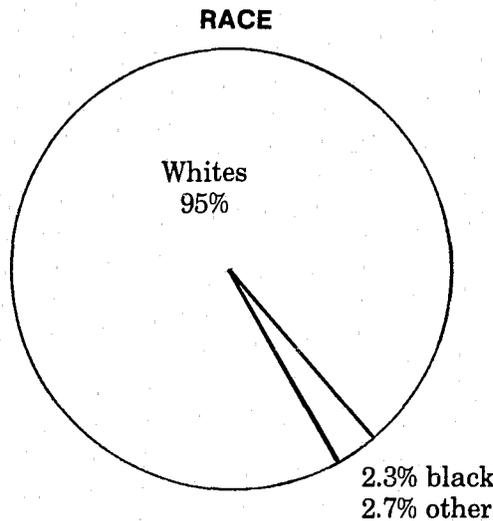
II. DEMOGRAPHIC CHARACTERISTICS



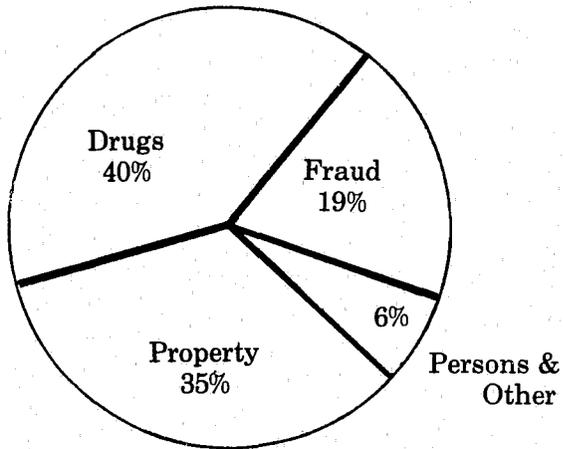
Average age 22.4 years
 Median age 20.8 years
 Modal age 18.0 & 19.0 years
 Range 16 to 57 years



Average age of males: 22.35 years
 Average age of females: 22.40 years



DIVERSION OFFENSE



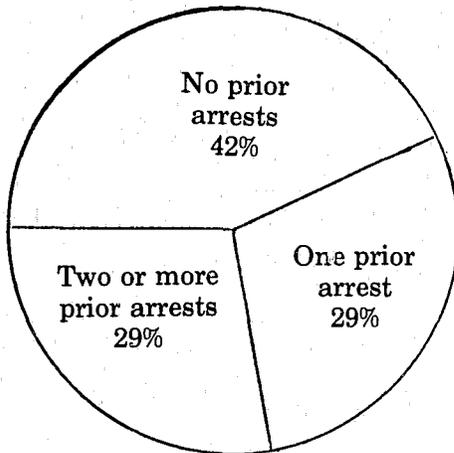
Age breakdown by type of offense:

	mean	median	range	N
property	20.6	19.1	17-57	61
drug	22.4	21.6	17-34	72
fraud	24.4	20.8	16-48	34
person	28.8	26.3	18-48	5
other	23.2	21.8	18-33	5

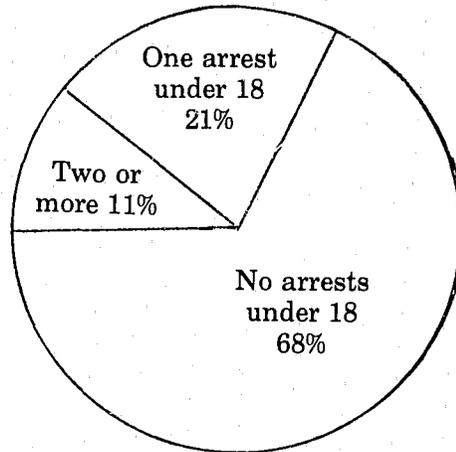
Crimes against the person include motor vehicle homicide, incest, non-violent sex offenses. Other offenses include concealed weapons, obstruction of justice.

**DEMOGRAPHIC CHARACTERISTICS
1977 FELONY DIVERSIONS
(Continued)**

PRIOR ARRESTS

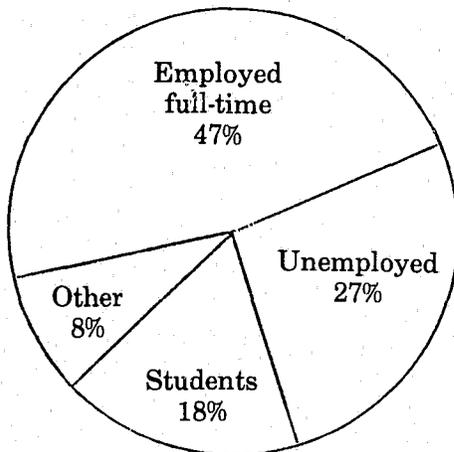


PRIOR ARRESTS UNDER 18



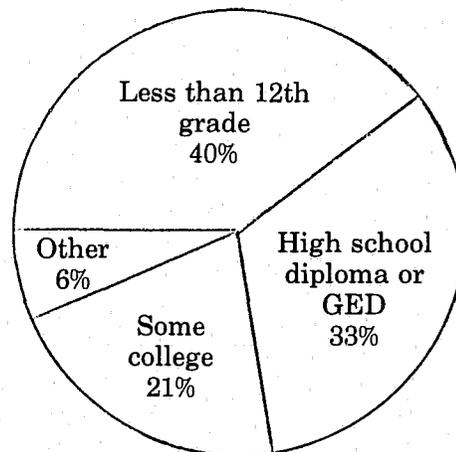
32% had been arrested before their eighteenth birthday. 26% had at least one conviction.

EMPLOYMENT STATUS AT INTAKE



Of those in other, 5% were employed part-time and 3% were homemakers. At intake 58% listed employment as their primary means of income. Slightly more than 50% had held the same job for at least six months.

EDUCATIONAL LEVEL AT INTAKE



Four people were college graduates. Other represents vocational training. Eight of ten were not involved in any education program when entering PTD.

AVERAGE TAKEHOME PAY PER MONTH AT INTAKE

Obtaining accurate earnings information for the PTD population proved quite difficult. Many, if not most, of the participants have erratic work histories, work part-time and attend school part-time, have little understanding of their pay, work widely-varying hours from week-to-week, etc. Thus, it was hard to establish meaningful classifications to use for comparison purposes. The table below sets forth a rough estimate of the approximate earnings for the 1977 felony intakes categorized by several of the most frequent employment situations. (These data do not correspond with the employment status at intake information previously reported because of differing classification schemes.)

ESTIMATED AVERAGE MONTHLY TAKEHOME PAY AT INTAKE

	Monthly Takehome Pay				
	under 300	301- 500	501- 700	701- 900	1000 or more
Single	09%	17%	11%	06%	—
Divorced with minor children	04%	*	—	—	—
Married (household takehome pay)	—	*	02%	04%	06%
Students other than high school	16%	02%	—	—	—
Unemployed (estimated from previous 12 months pay)	07%	05%	*	—	*
Living with parents (high school age)	10%	*	—	—	—
Totals	46%	24%	13%	10%	06%

*Less than one percent

OTHER INTAKE CHARACTERISTICS

The most common diversion term was nine months (80%). Twenty contracts (11%) were for one year with the remainder either ten or eleven months. Fifty-five percent indicated they were the head of their household, 6% said spouse and 34% said either their mother or father was the head of the household. Sixty-five percent had never been married, 17.5% were married at intake with 13% either divorced or separated.

Fifty people (28%) had received prior drug, alcohol or mental health treatment; fifteen people (9%) on at least two occasions. The same number had spent at least thirty days in a non-treatment institution (juvenile training center, orphanage, etc.) at some time in the past.

TIME FROM ARREST TO INTAKE

Forty-seven percent of all participants were referred to the Program within one week after arrest for the diversion offense. Twenty-nine percent were referred within thirty days after arrest, and 17% took longer than thirty days to be referred. For three people, the delay exceeded 90 days. Eight percent were not formally arrested.

**HIGHEST LEVEL SELF REPORTED DRUG USAGE
DURING THE SIX MONTHS BEFORE INTAKE**

LEVEL OF USE	Alcohol	Marijuana	Amphetamines	Tranquilizers	Cocaine	Hallucinogens	Barbiturates
	%	%	%	%	%	%	%
None/experimental	08.5	36	71	94	93	91	95
Less than once per month	12	05	15	03	05	07	02
Less than once per week	16	08	06	01*	01	02	01
Once per week	30.5	14	03	01*	01*	—	01*
More than once per week	27	24	03	01*	—	01*	01
Once per day	06	10	01*	01*	—	—	—
More than once per day	—	03	—	—	—	—	—

*Less than one percent

III. OVERVIEW OF OPERATIONS

FELONY COMPONENT

In 1977, 177 felony offenders were diverted from the Lancaster County criminal justice system to PTD, an 11% decline from 1976. Of these, 129 fulfilled the program requirements and received a dismissal of their charges. Forty-two people did not make it and were referred back to the County Attorney for prosecution. Sixty percent of the unfavorable terminations involved new offenses while the remainder were for failure to comply with program conditions. Four people withdrew voluntarily and two had their cases dropped while being considered for the program. Considering only those cases that proceeded through PTD to termination, the favorable completion rate was 75.4%. The one-year rearrest rate for these 171 cases was 30%. Another 41 cases were referred for consideration but were not accepted into PTD for the following reasons: program rejected, 44%; person declined, 22%; County Attorney dissented, 17%; and other, 17%. Other represents primarily instances where the charges are dropped during intake. As to final court disposition of these 41 cases, only 32.5% received a felony conviction, while 47.5% of the charges were reduced to a misdemeanor. Twenty percent were dismissed.* Fifty-six percent were sentenced to probation, one-fourth received a jail sentence, 47% were fined and two people (5%) went to prison. (These totals exceed 100% because in most cases multiple sentences were handed down by the Court.)

For those who were terminated unfavorably, 26.2% were convicted on felony charges, 21.4% were amended to misdemeanors and 11.9% were dismissed. Charges were not refiled on 28.6% and 11.9% are pending with outstanding warrants. As mentioned in the program summary, follow-up interviews are attempted for all former participants. As of June, 1979, seventy interviews had been completed. This represents 41% of all the 1977 felony diversions. Thirty-nine people were not due to be interviewed as of this report. Nineteen percent could not be located and 5% refused to be interviewed. Thus, the overall interview rate was 65%, which was quite high in view of the relative youthfulness and mobility of the PTD population.

Including the contributions of the misdemeanor participants, \$28,487 in restitution, court costs and drug buy money was paid to victims and the courts in 1977 as compared to \$11,379 in 1976.

MISDEMEANOR COMPONENT

PTD began accepting individuals charged with misdemeanor offenses in September, 1977. As a result, very little information was available for this group. For the four month period, 39 diversions were made and 90 hours of volunteer work contributed by this group. (Hours are not counted until placements are completed.) Since the misdemeanor contracts are for six months, no one had completed the program. There has been no unfavorable terminations as of that date, so all 39 were still in PTD as of December 31, 1977.

*Percentages are calculated on 40 cases as one case was pending as of April, 1979.

IV. PERFORMANCE INDICATORS

RECIDIVISM

The data here includes new offenses as reported to the Lincoln Police Department, Municipal Court, County Court and the County Attorney. The data represents any additional criminal activity one year from the date of arrest for the diversion offense. This represents, for the most part, in-program arrests and convictions. Since there are many cases (47.5%) where two years has not passed since the PTD offense, the two year recidivism rate will be reported separately at a later date. Calculations are based on the 171 cases that proceeded all the way to either favorable or unfavorable termination.

During the one year period, fifty-one people (30%) were rearrested for other than traffic offenses. Driving while intoxicated, although technically a traffic offense, is counted as recidivism. This includes all participants whether favorable completions or unfavorable terminations. The conviction rate was 2% less than the rearrest rate. Two-thirds were for one offense with the remainder (16 people) being arrested two or more times. In those cases where the new charges are pending due to the person absconding, these were included in the conviction data.

NATURE OF RECIDIVISM

As a result of an improved Management Information System (MIS), the program was able to further analyze recidivism as to seriousness. For the year, there were seventy-seven separate arrests, (including those arrested more than once):

	Total Incidents	Percent
Minor violations	26	34
Controlled Substances	7	09
DWI	8	10
Property Offenses	16	21
Fraud	12	16
Against Person	4	05
Other	4	05
TOTAL	77	100

Minor violations included trespass, disturb the peace (not amended from a more serious charge), littering, pets-at-large, game law violations, etc. Most of the new drug offenses involved possession of marijuana. Fraud violations represented primarily no account and insufficient fund checks. Crimes against the person in all cases were for other than serious assaultive crimes, such as minor assaults, threats and non-violent sex offenses. Other offenses included obstruction of justice and carrying concealed weapons.

There were few new offenses that resulted in a felony conviction. Only 4% were in this category, not including four pending cases. With these cases, the felony conviction rate was 6.4%. Thus, even for new offenses that involved fraud, crimes against the person and property crimes, these were relatively minor in nature.

Recidivism was further analyzed by cross tabulations with selected variables to learn more about who gets rearrested. Some areas examined were age, sex, marital status, employment, education and drug usage history. Other variables were also considered but not reported here for lack of any apparent significance. A participant classification system designed by the Citizen's Probation Authority, Flint, Michigan was tested to determine its validity as a predictor of new offenses. (See table on page 10).

Generally, the variables most related to subsequent arrests were age, sex, diversion offense, level of education, prior arrests under 18, and employment status at intake. In other words, the factors that, for the most part, are found to be important relative to the likelihood of rearrest throughout the United States were generally valid for Lincoln, Nebraska. No analysis was conducted to identify the relative importance of each variable as an indicator of recidivism. Without more sophisticated statistical research methods, such as multivariate analysis, it is difficult to state with a high degree of certainty which factors are most related to rearrest. For example, there was an apparent correlation between the nature of the diversion offense committed by participants, subsequent recidivism and success in the program. Yet, this might be better explained not by the type of offense, but the age of this group if it was significantly different from offense categories.

The following table illustrates the relationships between age, offense, rearrest and program success.

	Mean Age	Median Age	Recidivism Rate	Completion Rate
Property	20.6	19.1	40%	68%
Drug	22.4	21.6	29%	84%
Fraud	24.4	20.8	19%	69%
Person	28.8	26.3	0%	100%
Other	23.2	21.8	20%	60%

Both the means and median ages of property offenders was younger than any other offense group. This group also experienced the highest rearrest rate and the second lowest completion rate. On the other hand, the drug offenders did very well in PTD. The question remains whether the approximate two years age difference best explains this. Perhaps offenses that do not involve victims such as the type of drug crimes eligible for PTD, are better risks while there are always victims involved with property crimes. Thus, either age or nature of offense offer a possible partial explanation. It may well be, however, that some unapparent variables might better explain the differences in performance.

The table which follows on the next page sets forth the one year recidivism rates for each of the variables selected for analysis. Also included is the favorable completion rate for each of the categories.

**REARREST AND FAVORABLE COMPLETION
RATES FOR SELECTED VARIABLES**

Variable	Rearrest Rate One Year* After Diversion Offense			Favorable Completion Rate
	None	One	Two	
	N	%	%	%
Age Categorized				
Under 18	19	37	26	37
18	21	57	29	14
19-21	61	69	25	07
22-25	36	81	17	03
26-29	16	88	13	—
30	18	89	06	06
Sex				
Male	120	65	23	13
Female	51	82	16	02
Race				
White	161	71	20	09
Black	4	75	25	—
Other	6	50	33	17
Head of Household				
Self	95	75	20	05
Spouse	10	100	—	—
Mother	14	57	07	36
Father	43	61	30	09
Other	9	56	22	22
Marital Status				
Never Married	109	62	25	14
Married	30	93	07	—
Divorced/Separated	23	74	22	04
Other	9	89	11	—
Diversion Offense				
Property	60	60	23	17
Drug	69	71	23	06
Fraud	32	81	13	06
Person	5	100	—	—
Other	5	80	20	—
Prior Arrests Under 18				
None	115	73	20	07
One	37	73	22	05
Two	9	56	22	22
Three or More	10	40	20	40
Employment Status				
Employed full time	80	79	15	06
Employed part time	9	33	44	22
Unemployed	46	70	20	11
Student	31	55	32	13
Homemaker	5	100	—	—
Educational Level				
Less than High School	67	55	27	18
High School	57	74	19	07
Other Training	10	80	20	—
Some College	33	88	12	—
College Graduate	4	100	—	—
Program Classification Level				
A-Atypical	9	100	—	—
B-Situational	84	75	17	08
C-Correlational	67	63	27	11
D-Causal	11	55	27	18

*Totals may not equal 100 percent due to rounding

ADDITIONAL COMMENTS ON RECIDIVISM

Some other variables that were calculated but not reported here for lack of any readily apparent significance in predicting recidivism or program success include: assigned counselor, prior arrests over 18, prior convictions, same job for six months, alcohol usage and drug usage.

All of the above variables were also calculated by conviction data. The misdemeanor conviction rate was consistently three to five percent less than the arrest rate throughout. The felony conviction data included too few cases to be meaningful. Thus, conviction data is omitted from this report.

A final note needs to be made about recidivism. It should not be construed that the program is necessarily less effective with certain types of people than others. It may well be that the low-risk groups would have similar rearrest rates irrespective of how they were handled by the criminal justice system. It is possible, too, that certain high-risk groups would have experienced more new offenses had they not participated in the PTD program. In the absence of control groups or strictly matched comparison groups, no definitive statement can be made about the program's effect on recidivism.

EMPLOYMENT

At time of entry into the Program, 27% of all participants were unemployed. Excluding students and homemakers, the jobless rate was 34%. Fifty-nine percent had full-time jobs at entry compared to 78% at termination. All employment data includes unfavorable terminations as well as favorable completions. As would be expected, the favorable completions experienced better rates than the total population; however, the program is responsible for all people accepted into PTD. Thus, rates were not reported separately for employment or any other indicators of program performance.

The tables which follow attempt to depict changes in several employment indicators at three points in time: intake, termination and one year later. Only those people who were in an employment status are considered in these analyses.

EMPLOYMENT STATUS

	Intake (N=140)	Termination (N=148)	One Year After PTD (N=58)
Employed Full Time	59%	78%	83%
Employed Part Time	06%	11%	07%
Unemployed	34%	11%	10%

For those people who were in the job market both when they entered PTD and when they left it, their employment status was as follows:

CHANGE IN EMPLOYMENT

	Intake/ Termination (N=133)	Termination/ One Year Later (N=52)
Remained Employed	51%	83%
Remained Unemployed	06%	06%
Became Employed	20%	06%
Became Unemployed	05%	04%
Erratic Employment	17%	02%

There was a favorable trend toward reliance upon employment as the primary source of income as indicated by these rates:

PRIMARY SOURCE OF INCOME

	Intake (N=171)	Termination (N=170)	Follow-Up (N=70)
Self Employment	58%	75%	80%
Spouse Employment	06%	06%	07%
Parents	23%	11%	04%
Government Assistance	10%	07%	07%
Other	04%	02%	01%

Favorable results were also recorded in terms of increased earning power during the evaluation period. To be counted as either an increase or decrease, an obvious change of at least ten percent was necessary.

EARNING POWER

	Intake/ Termination (N=94)	Termination/ Follow-Up (N=44)
Increased earning power	33%	64%
Decreased earning power	03%	02%
No significant changes	64%	34%

Another approach used to measure employment was to compare the number of weeks a person reported being unemployed during the one year period before being in the Program to the same time period after termination. Only those people who had been in an employment status for both years were included. For the forty-one people on whom these data were available from follow-up interviews, approximately 290 weeks of unemployment were experienced the year before PTD compared to 99 weeks for the year after termination, which was a substantial decrease. A partial explanation of this is that often a person will lose their job once the employer learns of an employee's arrest.

EDUCATION

The participants experienced more conspicuous success in this area than any other. Sixteen people achieved a GED, one graduated from high school, eight obtained a vocational diploma or certificate, and forty-eight made some advancement in their education (as measured by completion of a semester or quarter of college, a course finished, etc.). Not surprisingly, 84% of these seventy-three people ended up as favorable completions. On the other hand, for the forty-nine people who did not have a high school education and made no progress, only 53% made it through PTD. A summary of participants' educational progress during and after the program follows:

EDUCATIONAL PROGRESS

	In Program (N=171)	Year After (N=56)
No progress — less than high school	29%	22%
No progress — high school graduate	29%	37%
Obtained G.E.D.	09%	1.5%
Graduated from high school	01%	03%
Graduated from college	—	03%
Obtained vocational certificate	05%	4.5%
Partial completion	28%	28%

COMMUNITY SERVICES REFERRALS

Not surprisingly, most of the referrals for services within the community were to educational or vocational resources. The number of people directed to drug, alcohol or mental health agencies was lower than might be expected. The drug and alcohol class was not included in these figures as it is a service provided in part by PTD. An overview of the nature of community agencies utilized by participants is set forth here by number rather than by percent.

COMMUNITY SERVICES REFERRALS

	Drug, Alcohol Mental Health	Educational Vocational	Social Services	Volunteer Placements
No referral made by PTD	156	108	164	142
For those Referred:				
Failed to follow through	5	12	3	6
Completed or continuing at termination	16	55	9	29
Not eligible for services	—	2	1	—

Only 12% of all participants were referred to treatment agencies or services, 39% to vocational or educational agencies, and 7% to social services. This does not mean that only this number of individuals received services. To gain a better picture of the role of PTD in community resource utilization, anyone involved with a community resource at the time they entered PTD was not included here, so the total number of people who utilized community resources is substantially understated.

PTD CLASSES

Thirty-two people completed the drug and alcohol education class conducted by the Program; fourteen the consumer education course. Nine people participated in a career planning workshop while eight took part in some other group experience taught or led by PTD staff.

DRUG AND ALCOHOL USE

Probably the most significant observation about self-reported drug usage is that it proved to be of little value in terms of predicting program success. A summary of some reported usage for the six months prior to intake is: Alcohol, 91.5%; Marijuana, 64%; Amphetamines, 29%; Tranquilizers, 6%; Cocaine, 7%; Hallucinogens, 9%; Barbiturates, 5%. The extent of usage ranged from less than once a month to more than once a day. Further breakdowns on past drug usage are included in the demographic characteristics section of this report.

More important as a meaningful measure in this area is how drug usage changes, if at all. To measure this, the reported highest level of use for the six months immediately preceding intake was compared to the six months immediately preceding termination. Only changes of at least two levels were considered as sufficient movement to be included in this analysis. It is obvious that some qualifications must be made as to the accuracy of this information. Experience indicates, however, there is probably less distortion than might be expected given the sensitive nature of the information asked for. In any event, reported changes in usage were as follows:

CHANGE IN DRUG USAGE SIX MONTHS BEFORE INTAKE COMPARED TO SIX MONTHS BEFORE TERMINATION

LEVEL OF USE	Alcohol	Marijuana	Amphetamines	Tranquilizers	Cocaine	Hallucinogens	Barbiturates
	%	%	%	%	%	%	%
No change in use	74.5	29	11	04	05	06	01
Increased use	08	03	01	02	01	—	—
Decreased use	11	34	17	05	02	04	04
No use either time	07	33	71	89	92	90	95

Another approach used to measure this area of performance was to ask former participants to compare their drug and alcohol usage for the one year period after getting out of PTD to the same period before being in the program. This method is less threatening as it does not ask the person to admit to a specific usage level.

COMPARATIVE DRUG USAGE YEAR BEFORE PTD TO ONE YEAR POST-PROGRAM*

COMPARATIVE USE	Alcohol	Marijuana	Amphetamines	Tranquilizers	Cocaine	Hallucinogens	Barbiturates	Overall
	%	%	%	%	%	%	%	%
None either period	06	37	66	91	90	90	91	09
About the same	51.5	19	06	01.5	03	03	01.5	34
Use less now	38	40	28	06	07.5	07.5	07.5	55
Use more now	04	03	—	01.5	—	—	—	01.5

*Data are for 68 people who answered these questions.

PARTICIPANTS IMPRESSIONS

As a further attempt to assess the program impact on participants, during the follow-up interview each person was asked to compare certain areas of his or her life as it was at the time of interview compared to how things were before coming into PTD. The responses for those people answering the questions (68 for most) was as follows:

PARTICIPANTS EVALUATIONS

	Better Now	Worse Now	About Same	Don't Know
	%	%	%	%
Getting along with friends	44	04.5	50	01.5
Getting along with spouse	52	05	43	—
Financial situation	72	07	21	—
Employment situation	66	09	24	01.5
Educational situation	45	—	55	—
Personal problems	60	03	33	04
Staying out of trouble	88	04.5	07.5	—

SELF-CONCEPT AND SELF-ESTEEM

To measure any changes in participants' self-concept and self-worth, the Tennessee Self Concept Scale was administered to all people accepted into PTD as soon as possible after entry into the program and again six months later. To date, no satisfactory method of measurement has been developed to measure changes, if any. Thus, no information is available in this area.

V. CONCLUSION

The primary goals of the PTD program for the period of this report were:

- To divert from the criminal justice system 250 felony offenders and 125-150 misdemeanor offenders. (Misdemeanor component began 9/77).
- To achieve a 70-75% favorable completion rate for felony diversions defined as no convictions on new offenses and substantial compliance with conditions set forth in the program involvement agreement.
- To increase and improve participants' personal and social competence in those areas believed to influence criminal behavior. These include: educational levels, employment, public assistance, drug and alcohol usage, self esteem, survival skills, interpersonal relationships, restitution and volunteer community service work.
- To achieve a lower recidivism rate for participants than that of comparable offenders who did not have the opportunity of PTD.
- To provide this alternative at less cost than by traditional criminal justice system processing.

It is important to note again that this report is not complete. Many follow-up interviews remain to be conducted and the two year recidivism rates need to be completed. Further, it does not address all of the goals stated above. Specifically, the cost study and the comparison group recidivism study will be published once the complete data are compiled. The two year rearrest information will be reported in the recidivism study.

Some observations and conclusions can be made based on the available information from this report and from the analysis to date of the recidivism rates for the 1977 diversion groups vis-a-vis the 1974 comparison group and the cost effectiveness/cost benefit study of PTD:

- The PTD program diverted substantially fewer felony offenders from the system than anticipated.
- The number of misdemeanor diversions (on an annual basis) was about what was projected.
- The favorable completion rates and recidivism rates were within the range of anticipated performance levels.
- Based on the dispositions of those cases not accepted into PTD and the unfavorable terminations, the majority were not convicted on felony charges.
- In those areas where adequate measurements have been developed, participants made substantial progress in social and personal competence. The PTD program has made tremendous strides in its capability to measure changes in the human services goal areas mentioned above. This is not to say they are complete or totally adequate. They are not by any means. However, the techniques developed by PTD have been refined to the point where progress in these areas, or the lack of it, was measurable to some degree.

On the other hand, since this kind of information was not available for comparable offenders who did not participate in PTD, no definite conclusions can be made whether these gains would have been made in the absence of PTD.

- Considerable difficulty has been encountered in the construction of a comparison group from the 1974 felony cases processed by the local court system. The most problematic variable is that of prior criminal record. The initial analysis resulted in a 1974 group that had a substantially higher percentage of people with no prior arrest record than was the case for the 1977 diversion group. Thus, no conclusions can be drawn as to the program's impact upon recidivism at this time.

- As to cost-effectiveness and cost-benefit, the program has made significant strides in efforts to reduce the cost per favorable completion. For 1978, this figure was approximately \$1,053 for felony diversions, considerably less than for prior years. While not complete, preliminary findings of the cost study currently underway indicates that, in terms of public funds, PTD returned about 80 cents for each dollar expended. When the benefits that accrue to the individual and the community are included — restitution and volunteer community service work, for example — there is no doubt that the program has achieved a favorable benefit/cost ratio.

**LANCASTER COUNTY PRE-TRIAL DIVERSION PROGRAM
ELIGIBILITY GUIDELINES
FELONY DIVERSIONS**

AGE/SEX

Males and females are eligible.

Basic age consideration is whether the person is to be charged as an adult in Lancaster County or District Court.

Generally, the minimum eligibility age is 17½ years or older.

CRIMINAL RECORD

A prior felony conviction makes a person ineligible unless 10 years has passed since date of conviction.

Individuals with three or more misdemeanor *convictions* excluding traffic, alcohol or minor infractions (such as littering, loose dogs, game violations) are ineligible. Person may be considered who has three prior misdemeanor convictions if five years have passed since last conviction.

Juvenile Court dispositions not included to determine prior conviction eligibility; however, Municipal Court convictions are counted.

If person received a pardon for a prior felony conviction, he may be considered if otherwise eligible. Expungement of a prior conviction does not make person eligible if originally ineligible due to a prior record.

Multiple offenses do not eliminate individual if apparently spree-type situations and not indicative of continuing criminal behavior.

ELIGIBLE OFFENSES

Generally eligible offenses:

Casual or incidental sale or
delivery of controlled substance
Possession controlled substances
Property and theft offenses
Fraud

Non-violent sex offenses
Motor Vehicle Homicide
ISF or No Account Checks
OMUFP
Embezzlement

Some offenses are considered on a case-by-case basis to determine eligibility.

INELIGIBLE OFFENSES

Drug store burglaries

Offenses where violence or threat of violence involved

Aggravated instances of resisting an officer upon arrest

Repeated drug sales or deliveries of controlled substances

Possession of large quantities of controlled substances to indicate involvement in sale or delivery.

Murder
Non-negligent manslaughter
Forcible rape
Aggravated assault
Resist Arrest

Armed Robbery
Robbery
Six offenses involving force
Third Offense DWI
First Degree Arson

ESTABLISHED PATTERN OF CRIMINAL/ANTI-SOCIAL BEHAVIOR

For the most part, this relates to prior juvenile record as, in the case of most older candidates, repeated involvement in criminal activity will eliminate the individual on the basis of prior convictions.

To determine issue of pattern, each case has to be considered individually. Some guidelines include: 1) number of arrests and/or referrals to Juvenile Court for *criminal* matters, 2) period of time over which prior offenses committed, 3) repeated offenses of the same nature, 4) prior commitment to juvenile correctional institutions for *criminal* offense, and 5) amount of time that has passed between past juvenile criminal activity and diversion offense.

As to anti-social behavior not necessarily criminal in nature, the guideline is the person's ability to grasp reality and function fairly independently in the community. In most cases, obvious chronic, disoriented behavior or severe mental retardation should not be considered. As the program philosophy stands now, the same general standards for adherence to program conditions and requirements are applicable to all participants. Experience has shown that people with severe long-term psychological problems and/or mental retardation rarely sufficiently understand the nature of the Pre-Trial Diversion Program to complete it successfully.

FAVORABLE DIVERSION FACTORS

Factors considered favorable for diversion include: 1) the willingness of the victim to have no conviction sought; 2) any likelihood that the candidate suffers from a treatable psychological or emotional difficulty which related to the crime but not so severe as to affect the ability to handle minimal program responsibilities; 3) any likelihood that the crime is significantly related to any other condition or situation such as unemployment or family problems that would be subject to change by participation in a diversion program; and 4) the probability that the person is amenable to program requirements and conditions.

DEMONSTRATED TIES

This guideline is interpreted liberally in favor of being eligible for consideration. It is intended mainly to eliminate transients and those individuals who live considerable distance from Lancaster County.

The basic consideration is whether the person is willing and able to meet the minimum reporting requirements and whether satisfactory arrangements can be made for the person to fulfill his or her contractual agreements in his area of residence. It should not be construed that a minimum length of residency in the Lancaster County area is necessary. It may be that a person will not be recommended for Pre-Trial Diversion after intake, but it should not preclude an initial consideration if the person requests such.

RESPONSIBILITY FOR OFFENSE

The minimum degree of responsibility for the person is acknowledgement that the evidence available would like result in conviction if the case were prosecuted in court. Eligibility is not tied to defendant's initial or subsequent pleas in court. A person has the right to plead not guilty if terminated unfavorably from the Program. The presumption is in favor of initial referral if the person is eligible and interested in participation. If it is felt the responsibility issue will be a factor in the person's performance, this influences the final decision as to acceptance.

RESTITUTION

Inability to make full restitution for losses incurred by victims does not eliminate an individual from further consideration. In some cases symbolic or partial restitution or accepted or the issue is handled by civil redress.

OTHER CRITERIA

Participation is voluntary on the part of the individual. No one is required to participate. A participant may voluntarily withdraw from the program at any time at which time the matter will be returned to the County Attorney for prosecution consideration.

All candidates are required to complete a Constitutional Rights Questionnaire which outlines basic legal protections and implications of participation in Pre-Trial Diversion to ensure their understanding of such action.

Any outstanding warrants from any jurisdiction must be resolved prior to official acceptance into Pre-Trial Diversion.

An individual who has charges pending that, upon conviction would make them ineligible for the program, will not be considered for Pre-Trial Diversion until such charges have been resolved.

The person must agree to all conditions set forth in the Program Agreement.

Once a felony matter has been bound over to District Court, an individual will not be eligible for further consideration.

MISDEMEANOR DIVERSIONS

Basically, the same guidelines apply to both felony and misdemeanor offenses except for prior record. To be eligible for referral if being charged with a misdemeanor, the candidate can have no prior adult convictions (County, Municipal and/or District Court) except for traffic, alcohol or very minor infractions or ordinance violations (littering, game laws, etc.)

ELIGIBLE MISDEMEANOR OFFENSES

- Controlled Substances
- Larceny
- Trespassing
- Property
- Contributing to Delinquency of Minor

INELIGIBLE MISDEMEANOR OFFENSES

- DWI
- Game Laws
- Gambling
- Assaults
- Abuse and Resist Arrest

Case-By-Case Basis:

- Disturbing the Peace
- Obstruct and Pervert Justice
- Motor Vehicle Homicide

END