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National Institute of Justice  
United States Department of Justice  
Washington, D.C. 20531
RESOLUTION OF MINOR DISPUTES

JOINT HEARINGS BEFORE THE
SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES,
AND THE ADMINISTRATION OF JUSTICE
OF THE
COMMITTEE ON THE JUDICIARY
AND
SUBCOMMITTEE ON CONSUMER PROTECTION
AND FINANCE
OF THE
COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE
HOUSE OF REPRESENTATIVES
NINETY-SIXTH CONGRESS
FIRST SESSION
ON
RESOLUTION OF MINOR DISPUTES
JUNE 6, 7, 14 AND 18, 1979

Serial No. 25
(Committee on the Judiciary)

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(Committee on Interstate and Foreign Commerce)

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- Cuff, Richard, Deputy General Counsel, U.S. Office of Consumer Affairs...
- Eckhardt, Hon. Bob, a Representative in Congress from the State of Texas...
- D'Albemarle, Talbot R., American Bar Association, Special Committee on Resolution of Minor Disputes...
- Etheridge, Hon. Jack, Senior Judge, Fulton Superior Court, Atlanta, Ga., Judicial Circuit...
- Gooch, Mary, director, Atlanta Neighborhood Justice Center...
- Jones, Herbert, National Association of Counties...
- McCoy, Frank, director of the Center for Criminal Justice, Harvard Law School...
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- Kester, Donald, National Association of Counties...
- Nelson, Sharon, Legislative Counsel, Consumers Union...
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Chapter four is an evaluation of the project from an "impact" evaluative approach.

Chapter five lists the conclusions and recommendations of this study.

A. Arbitration as a public good

A substantial amount of literature has been written about the concepts of public goods, externalities, and collective action (Mugrage, 1929; Dahl, 1953; Samuelson, 1954; Downs, 1957; Buchanan, 1962; Tullock, 1965). The basic theory surrounding the concepts of public goods and services is that they are provided because of certain characteristics: joint consumption and non-exclusion. Joint consumption of public goods is possible because the consumption by one individual in no way diminishes the amount of public goods that can be consumed by other individuals. The costs of excluding any one individual from enjoying a "pure" public good without excluding all other individuals are infinite. However, there are only a few exceptional goods that can be categorized as "pure" public goods. Most goods and services that are provided by a government and other organizations have public characteristics. Some examples of these "quasipublic" goods include mosquito abatement, air and water pollution, fire and police protection, and law enforcement.

Another reason why goods and services are provided by governments and other organizations is because of the "merit principle." Some goods are considered merit goods and are not priced according to the workings of the market system. "Merit goods involve interdependence in utility functions such that citizens receive pleasure or other benefits from knowing that some of their fellows are provided with them, and those same persons are not too anxious to consume more of certain services that they would yet be able to consume if the market place alone determined their distribution."

External effects also result from the production of public goods because costs and benefits occur to persons not accounted for in the transactions. Increasingly, governments have produced quasi-public goods and services and have financed its production through taxation of its clientele. Federal dollars have been allocated to many public programs like education, housing, transportation, and law enforcement. These programs are established to accomplish a prescribed set of objectives through the conduct of specified activities. Programs may include specific projects at the implementation level. This is, the level where resources are to be produced and sold that product that directly contributes to the objective of the program.

The Court Arbitration project in Akron can be viewed in the broad context as a quasi-public good that is provided through the law enforcement program.

B. Accountability for public programs

The 4-A project in Akron is funded by the Summit County Criminal Justice Commission (SCCJC) through the Law Enforcement Assistance Administration (LEAA), U.S. Department of Justice. Like other projects which utilize public funds, the 4-A project has to have some accountability to the public.

Accountability comprises a series of elements ranging from problem identification to goal formulation, and it raises the central questions of efficiency and effectiveness in reducing social problems. To be accountable means addressing a real problem that can be remedied. It means that professional work is being provided if society seeks the resources available. That this work will be provided in the manner promised, and that the problem may be effectively minimized at the least possible cost.

Accountability, at minimum, is to assure the criteria of honesty. However, honesty is necessary but insufficient for a fully accountable system. A sound system of accountability goes beyond honesty and is based on results.

The input, output, and outcome of the arbitration project has to be measured to assess whether the project is achieving its goals and objectives (effectiveness) and economically utilizing its resources (efficiency).


C. Why Evaluation Research is Necessary

Evaluation is a necessary foundation for effective implementation and judicious modification of existing programs. Evaluation can provide the information required to strengthen weak programs, and drop those which simply are not fulfilling the intended goals and objectives.

The importance of evaluation of law enforcement programs was reflected in the 1977 budget of the United States. As stated by the budget document, "law enforcement assistance grants will decline by 3 percent in 1977, reflecting a more cautious and selective approach in this area. Emphasis will be placed on evaluation to determine the impact of these grant programs on the level of crime in the United States."

Evaluation research will measure the effects of 4-A against the goals and objectives it sets out to accomplish as a means of contributing to subsequent decision making and improving future programming.

The methods employed in evaluating 4-A are process and impact measures. "Process" evaluation will answer the question of how well the project operating. "Impact" evaluation will assess the overall effectiveness of the project in meeting its goals and objectives. Cost analysis will be included in the impact evaluation to provide information on the cost efficiency of providing services through the project as compared to other alternative methods.

Chapter II

The Akron 4-A Project

A. Project Background

In Akron, as in virtually every urban center in the United States, the stresses of the urban environment lead to a large number of conflicts between residents. A significant number of conflicts arise to levels of activity prescribed by the language of penal laws.

One of the aggrieved resident's recourse is to begin criminal prosecution by means of a private criminal complaint in the prosecutor's office of the Akron Municipal Court. Many of these complaints are for minor criminal offenses such as harassment, simple assault, threatening, domestic quarrels, and the like. These offenses usually occur between relatives, friends, or neighbors.

The Community Dispute Settlement (CDS) of the American Arbitration Association (AAA) felt that the traditional criminal court process was not the proper forum for settlement of these common urban disputes. The CDS is neither technically criminal in nature nor legal in status. In the words of the CDS, urban communities find their roots deep in our society and in human nature. The nature of the CDS is neither the symptom, the surface evidence, of a more pervasive problem. Much like the visible tip of an iceberg, the private criminal complaint or private warrant frequently deals with relatively minor crimes growing out of deeper human conflict, frustration, and alienation. In such cases, more often than not, neither the complainant nor the defendant is entirely blameless; yet, the criminal law with its focus on the defendant alone is ill equipped to deal with this basic fact. The judge or prosecutor, faced with an overcrowded court calendar, beyond-reasonable doubt criteria, for conviction, conflicting stories, and "minor" offenses, typically dismisses the case and lectures the defendant, threatening possible punishment for future offenses. This is not conflict resolution; it is not problem solving; nor is it intended to be.

The tip of the iceberg can be viewed in one of the common urban disputes. In early 1969, a person's acts were in conflict, frustrated, and potentially as obsessive as ever. Neighborhood tensions have not yet been reduced. Relationships have not been improved. At least a study may have been ordered.

If all such cases were prosecuted, the courts would be backlogged everywhere as many as now. Even if the courts could process all such cases, they could not resolve the real problem, i.e., the causes of the technically criminal behavior; the courts are restricted to finding the defendants before them either innocent or guilty of the alleged offenses.

So what has been done? First, it was felt by the CDS that the criminal process was not the proper forum for the resolution of such disputes. This is because the warrant and ensuing criminal prosecution may be used by one of the parties as another weapon in the underlying dispute rather than as a means of resolving the dispute. Nor was it felt that the dispute would be any better resolved by seeking a resolution by way of the civil courts. What was needed was a procedure independent of the court which would be, quite simply, fast, cheap, and good. The 4-A project does this with the added results of greatly reducing the underlying causes of the criminal conflict and avoiding criminal conviction and arrest records.

B. Project History

The Community Dispute Settlements of the American Arbitration Association established the West Philadelphia Center for Community Dispute in early 1969 as a means of applying labor-management techniques to community disputes. Later that year, the CDS and Philadelphia District Attorney realized a joint program for arbitration of criminal cases begun by private complainants. This "4-A Project," as it became known, evolved as the new solution to the beginning of 1970. Due to the success of 4-A in Philadelphia, arbitration projects have been established in approximately twenty-five other U.S. cities.

The Akron 4-A Project began operating in 1973. In the first year of operation, the project received 102 available cases in the Akron prosecutor's office. In 1974, the project moved to a new location in the John D. Watson Health Center.

At best, the project is staffed with a director, trial attorney, referral clerk, and a professional arbitrator. The project also utilizes about twenty-five community workers as trained arbitrators and community workers.

The budget of 4-A in fiscal year 1975 was $20,222.00. This fund was provided as follows:

- State fund: $20,000
- Local cash: $1,111
- Additional local cash: $1,000

The budget was broken down into the following categories:

- Personnel: $10,222
- Consultants: $1,111
- Travel: $432
- Equipment: $32.3
- Supplies: $20,000
- Construction: $1,000
- Indirect costs: $20,000

The additional cost is fixed that they are borne by the American Arbitration Association.

C. The Project

The 4-A project in Akron operates under the principle that the dispute will voluntarily be submitted to mediation by both parties.

The project begins to function in the community when a person, as another weapon in the underlying problem, becomes known to another person's acts. The wronged party (complainant) seeks criminal punishment against the other party (respondent) by choosing to file a complaint with the office of the city prosecutor.

The complaint meets with an assistant prosecutor who screens the case and decides if the case should be sent to 4-A, the prosecutor's hearing, juvenile court, or elsewhere.

Cases are only initially referred to 4-A with the consent of the complainant. The respondent is immediately notified and has the option of contesting the arbitration. The parties are advised that while it is not necessary for them to contract the services of an attorney for their hearing, they are entitled to be represented by counsel if they desire.

The "Submission to Arbitration" form is forwarded by the prosecutor's office to the 4-A project which then schedules the hearings. A "Notice of Hearing" is issued.

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sent to the parties advising them of the hearing date and procedures to follow if they desire to use attorneys or witnesses. The Arbitrator is appointed to the case by a "Notice of Appointment." Arbitrators are selected from the Arbitrator Panel consisting of citizens from the Akron Community and CDS staff. At the hearing, the arbitrator hears the facts of the dispute from each of the parties allowing each side to tell his story and ask questions of the other party. The arbitrator may also ask questions to clarify facts and issues. After each side has had a full opportunity to relate his story, the arbitrator uses his mediation skills seeking to find a basis for the parties to reach a voluntary agreement as to the resolution of their problem. If these mediation efforts fail, then the arbitrator exercises his authority to render an award in the case so as to remedy which is final and binding on the parties.

In the event either or both parties are represented by legal counsel, the correspondence is sent directly to the attorneys, who in turn are responsible for notifying their clients. On the day of the hearing, a clerk from the CDS staff administers an oath of the arbitrator and swears in the parties and any witnesses they elect to call. The hearings are held in accord with the CDS rules and the laws of the State of Ohio.

Following the hearing, the arbitrator forwards the CDS office for transmittal to the parties and the prosecutor's office, thereby closing out the case. In event charges are withdrawn or the case is dismissed, the administrative proceedings, the prosecutor's office is likewise notified. Should either party fail to appear for the hearing, an effort to reschedule the hearing is made at the discretion of the CDS. A summary of the problem 4-A is addressing is that the traditional court process is not the best forum for resolution of minor conflicts resulting from human interaction in the urban environment. Arbitration is a viable alternative to the criminal court for resolution of these minor criminal complaints.

The goals of the project are to:
1. Provide system support activities geared to improve the ability of criminal justice and related agencies to deliver services.
2. Provide a meaningful alternative to prosecution of minor criminal complaints, independent of the Akron Municipal Court.
3. Streamline the workload with direct impact upon the municipal prosecutor's time and having indirect impact upon the court's time and manpower requirements of the police department.

The objectives of the project are:
1. Diversion of minor criminal complaints to reduce the case load of the criminal justice system by diverting 33.33 percent of the complaints filed through the prosecutor's office; 2. 33.33 percent of the cases referred to 4-A will have a private hearing scheduled within seven (7) days of the hearing to the speedy resolution of problems; 3. Provide a more lasting resolution of private criminal complaints through a means which are less costly and more swift than traditional court processing; 4. Increase the probability of resolving problems by removal of rules or evidence applicable in the court room.

CHAPTER III

PROJECT "PROCESS" EVALUATION

"Process" evaluation answers the question of how well is the 4-A project operating. Information for the "process" evaluation was gathered through observations of the Court in operation and interviews with the Project's staff and municipal court personnel. In addition, an examination of the Project's office processing record system, and management information system was made.

Observations were made at the prosecutor's office when private complaints were launched. The evaluator followed some complaints to the final disposition by attending on arbitration hearings. The city prosecutor and clerk of courts were interviewed. The evaluator also interviewed the Project's director, a professional arbitrator, community volunteer, and referral clerk.

The case volume figures given in the Project's records. Since the record keeping system includes periodic monitoring, these figures are believed accurate.

A. Diversion

This project has been put in perspective by first presenting the private criminal complaint process. A person seeking to begin criminal proceeding must file a complaint at the prosecutor's office of the Akron Municipal Court.

In fiscal year 1976, 4,220 private criminal complaints were filed in the prosecutor's office. After interviewing the complainants, the prosecutor scheduled 1,215 cases (22 percent) for the hearings; 1,215 cases (29 percent) were referred to 4-A; 1,215 (29 percent) were dropped by the prosecutor's interview, or referred elsewhere. (See Table 1-A.)

One of the objectives of 4-A is to divert minor criminal complaints to reduce the caseload of the criminal justice system by diverting 33.33 percent of the complaints filed through the prosecutor's office.

As gathered from the 4-A quarterly reports, the project diverted 20 percent of all complaints filed in the prosecutor's office. Although, this is below the stated 33.33 percent diversion level; this is very significant in that the prosecutor would have handled 2,294 complaints were initially dropped by the prosecutor in the first interview, or referred elsewhere.

However, this 40 percent is surpassed by the control of the project in that these cases would have been processed through the criminal justice system.

The 4-A project bypasses criminal proceedings. It does lighten caseload considerably and helps in the situation. It can be concluded from the 4-A report that 20 percent of private criminal complaints that would have been processed through the Akron Municipal Court.

TABLE 1-A CASE REFERRAL

<table>
<thead>
<tr>
<th>Case referral</th>
<th>July to September 1976</th>
<th>October to December 1976</th>
<th>January to March 1977</th>
<th>April to June 1977</th>
<th>Total Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total complaints filed with the prosecutor</td>
<td>1,215</td>
<td>1,215</td>
<td>1,215</td>
<td>1,215</td>
<td>1,215</td>
</tr>
<tr>
<td>Referrals to 4-A</td>
<td>315</td>
<td>315</td>
<td>315</td>
<td>315</td>
<td>315</td>
</tr>
<tr>
<td>Cases referred to 4-A by prosecutor</td>
<td>315</td>
<td>315</td>
<td>315</td>
<td>315</td>
<td>315</td>
</tr>
<tr>
<td>Total cases referred to 4-A by prosecutor</td>
<td>315</td>
<td>315</td>
<td>315</td>
<td>315</td>
<td>315</td>
</tr>
</tbody>
</table>

A. Diversion: Project

The project has another objective of increasing the probability of resolving problems by removing of rules of evidence applicable in the court room.

The cases arbitrated are of "process" variety. Out of 1,215 cases referred to 4-A, the criminal charge was simple assault (32 percent), fraud/larceny (6 percent), trespassing (3 percent), conversion (6 percent), criminal risk (1 percent), malicious destruction (5 percent), harassment (14 percent), domestic/neighborhood (10 percent), and miscellaneous (11 percent) (See Table 1-B.)

1 Interview with Oldham, March 1977.
It is the experience of the arbitrate that these criminal charges are frequently the result of isolated incidents. Rather, the incidents are symptoms of long smouldering disputes. The case type data presented in Table 1-A appear to support this evaluator's observations and the arbitrator's opinions on this point. The acts alleged could well be viewed as the type of action one might take in expressing anger or hostility or exacting revenge.

During the arbitration hearing, an attempt is made to penetrate the incident and probe the underlying problem. The issue is a criminal trial, on the other hand, is whether or not one of the parties is guilty of violating a specific criminal statute.

The informality of the arbitration hearing procedure is a key element to the arbitration project. The arbitrator introduces himself to the parties in the reception area, escorts them to the room and urges them to make themselves comfortable. He explains that he has the power of a judge, and that if the parties fail to reach an agreement, his arbitration order is final and enforceable in court.

After noting that strict rules of evidence do not apply, he permits each side to tell his story, in turn, without interruption. The arbitrator asks questions at the end of each story to focus on details and ambiguities. Few of the arbitrators dwell at any length on the criminal charge. Rather, they inquire about any underlying relationship which might have been broken by the alleged criminal act. The parties are asked about any contact they have had since the complaint was filed.

Witnesses accompany the parties in minority of cases. Because formal rules of evidence are not followed, they are not needed to establish a chain of evidence or to circumvent hearsay problems. But they do lend background information. Most frequently, the witnesses are family members or friends who have come to give moral and evidentiary support to a disputant.

The informality of the proceedings and the apparent willingness of the arbitrator to allow each side to give a full and fair explanation of his side of the story encourages the participants to give vent to their feelings. An arbitrator may vary in the amount of heated discussion they will permit, but usually interruptions or insulting comments are not allowed.

Not infrequently, this mutual exchange of views, with a little guidance from the arbitrator, is enough for the parties to see some ground of mutual concern. One party, for example, may finally state that all he wants is for his neighbor to leave him alone. The other party is usually too willing to do this, provided he doesn't have to admit that he had been harassing his neighbor. Nobody is found to be "guilty" or "innocent" of a crime.

Arbitration is not to establish that either or both of the parties are at fault, but to fashion a method for the parties to avoid future conflict. The ability of the arbitrators to fashion unique remedies enhances their ability to resolve longstanding disputes.

It can be concluded that the nature of the problems have enhanced the ability of the Project to increasingly resolve disputes with the absence of rules of evidence used in the court process.

The arbitrator and consent award generally state that if either party violates the conditions of the case will be referred back to court. Much to the Project's credit, it has infrequently developed techniques of enforcing its awards short of court referral. Complaining parties generally phone the project and discuss the problem. The staff then phones the violating party to inform him that if he persists the case would go back to court. Frequently, this is sufficient to dissuade him from further non-compliance. If more is needed, the arbitrator discusses the matter with the violator. If this is unsuccessful, a second arbitration hearing is arranged advisable.

In fiscal 1970, the Project settled 62 percent of all cases referred by the prosecution office. Ten percent of the cases were referred back to the prosecutor and 8 percent were cancelled by the complainant after an arbitration hearing was scheduled.

This evaluator further concludes that 4-A has been successful in settling a significant percentage of cases referred to the project. In some instances, cases included in the 10 percent referred back to the prosecutor should have not been initially referred to 4-A. Although they fall in the general category of minor complaints, the underlying problem is extremely intense and beyond the reach of 4-A for a suitable resolution.

<table>
<thead>
<tr>
<th>July to September</th>
<th>October to December</th>
<th>January to March</th>
<th>April 1 to May</th>
<th>Total</th>
<th>Percent</th>
</tr>
</thead>
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<tr>
<td>Cases referred:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cases settled</td>
<td>146</td>
<td>189</td>
<td>279</td>
<td>240</td>
<td>433</td>
</tr>
<tr>
<td>Cases referred</td>
<td>146</td>
<td>189</td>
<td>279</td>
<td>240</td>
<td>433</td>
</tr>
<tr>
<td>Cases settled</td>
<td>146</td>
<td>189</td>
<td>279</td>
<td>240</td>
<td>433</td>
</tr>
<tr>
<td>Cancellations</td>
<td>46</td>
<td>17</td>
<td>18</td>
<td>25</td>
<td>104</td>
</tr>
<tr>
<td>Total</td>
<td>453</td>
<td>226</td>
<td>528</td>
<td>305</td>
<td>1,219</td>
</tr>
</tbody>
</table>

Note: Compiled data is for fiscal year 1976 (June 30, 1975 to July 1, 1976).

Impact Evaluation

Impact evaluation will answer the question of whether the project offers a viable alternative to criminal justice processing of minor criminal complaints.
The project's effectiveness and efficiency in meeting its goals and objectives will be assessed. Information for impact evaluation was obtained through:

1. Collecting a random sample of fifty minor criminal cases that were re-
   solved by the court system during the same period (August 1976) to determine if any cases re-entered the criminal justice system by March 1977. This recidivism measurement will also determine if the project achieved its goals of having an impact on the prosecutor’s time, court load, and police manpower requirements.

2. Presenting the results of an interview of twenty-nine persons who had cases arbitrated during fiscal 1976. This outcome measurement will determine if the project met its objective of providing a more lasting resolution to the disputes as opposed to the court process, and

3. Determining the cost per case to process 4-A cases as compared to alternative options. This cost measurement will determine if the project is cost-efficient.

A. Recidivism

Recidivism as defined in this study is a tendency of repeated relapse into criminal or delinquent habits by the same parties over the same problems. A distinction should be made between recidivism and cases re-arrested. Re-arrested cases are those which the arbitrator sends back to the prosecutor for many reasons. The reasons could include: the parties did not abide by the arbitrator’s award, the arbitrator did not reach a resolution acceptable to both parties; the parties prefer to prosecute after being referred to 4-A, among many. Recidivism, on the other hand, only measures the rate of re-arrests after cases have been arbitrated or heard by the prosecutor and determined closed.

The results of a random sample of fifty “minor” cases arbitrated via 4-A that went to prosecutor’s hearing shows the following: the recidivism rate of 4-A cases was 2 percent in fiscal 1976 as compared to 15 percent for cases heard by the prosecutor. This means that the prosecutor had a higher percentage of re-arrests after they had closed a case compared to 4-A. (See Table 2.)

Although the type of cases in this sample are unevenly distributed, it should be mentioned that the only recidivist case for 4-A fell within the category of malicious destruction. This evaluator followed the case to its final disposition and found that the case never passed the pre-fatal stage. The complainant, who was the husband of the respondent, did not show up for the hearing and the case was dropped.

The evaluator realizes the limitations of such a sample. However, the results do indicate that the project has been successful in keeping cases out of court and in assisting the time that municipal prosecutors and police officers have to spend on these cases is they re-entered the criminal justice system.

TABLE 2

<table>
<thead>
<tr>
<th></th>
<th>Number of cases</th>
<th>Recidivism (Percent)</th>
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<tbody>
<tr>
<td>Cases arbitrated</td>
<td>50</td>
<td>4</td>
</tr>
<tr>
<td>Prosecutor’s hearing</td>
<td>50</td>
<td>12</td>
</tr>
<tr>
<td>4-A (closed)</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

B. More lasting resolution

A total of twenty-nine arbitrations were randomly selected in fiscal 1976 to determine the effectiveness of the services provided by the Akron 4-A project.*

*C. Cost

These cost estimates must be viewed with great deal of caution. A direct comparison would simply be inaccurate and misleading. One problem is that the 4-A project was not identical to the Philadelphia 4-A Project. Civilian Complaint Center, D.O., which is “in-house” project.

Cost of 4-A project

Compared with other “hearing projects” in other cities are:

Philadelphia 4-A project:

Cabinet night prosecutor: $125

Civilian complaint office (D.O.): $80

These cost estimates must be viewed with great deal of caution. A direct comparison would simply be inaccurate and misleading. One problem is that the 4-A project was not identical to the Philadelphia 4-A Project. Civilian Complaint Center, D.O., which is “in-house” project.

D. More lasting resolution

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This survey was conducted by the College of Business Administration, University of Akron, August 1976.

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It would take another ten minutes for the clerk to schedule and send out notices for each prosecutor's hearing. Had the clerk sent notices for 2,294 cases, it would cost $2,956.00. The prosecutor takes approximately thirty minutes during each hearing. It would cost $37,452.00 for hearing 2,294 cases. The total cost in salaries for the prosecutor's office to handle all complaints had 4-A not existed is $30,612.00 ($1,475 + $10,726 + $2,606 + $21,462). This does not include other fixed costs (equipment, furniture, record-keeping system) of the prosecutor's office.

The evaluator does not attempt to state that 4-A saves the prosecutor's office money. However, the Akron 4-A project has demonstrated the viability of a process diverting a large number of cases at a relatively low cost. It is well-run, effective, efficient, and has benefited the public in providing system support services to the criminal justice system in the delivery of services.

However, arbitration is better viewed as a forum of diversion from the criminal justice system rather than an alternative criminal forum. The legality and propriety of 4-A referral are the same as that of other diversion projects; apparently, well within the discretion of the court and prosecutor. However, the Akron 4-A project has demonstrated the viability of a process diverting a large number of cases at a relatively low cost.

5. Recommendations

The evaluator offers the following recommendations:

(1) The project should consistently document their goals and objectives not limiting them to the concept of what they strive to achieve but to the actual workings of these concepts.

(2) The Municipal Prosecutor should establish a more clear cut criteria for referral of cases to 4-A to eliminate the probability of the remanded and diversion cases stemming from the fact that they can't be solved through 4-A conflict resolution process. Also, descriptive brochures of the project should be issued in the prosecutor's office instead of only oral explanation of the project.

(3) Consideration should be given to expanding the scope of this project to include non-compulsory referrals to social service agencies as part of the arbitration process.

BIBLIOGRAPHY


