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Summary

Despite increasing use of adult pretrial diversion programs in recent years, the limited capacity to produce, analyze, and translate evaluation data in pretrial diversion programs has frequently resulted in policy and programmatic decisions being made on the basis of little or no empirical information. This paper presents a case study of the development of an evaluation system for the Alaska Pretrial Intervention (PTI) program of the Alaska Department of Law which can generate timely results for policymaking as well as monitor staff productivity.

EVALUATION CAPACITY BUILDING IN PRETRIAL DIVERSION SERVICES:

A CASE STUDY

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Introduction

Late 1960 and early 1970 was a period of rapid change in the field of criminal justice. Crowded court dockets combined with economic retrenchment forced criminal justice administrators and practitioners to consider cost-effective measures to manage the problem of crime. One of the measures selected by local court managers to relieve the backlog of criminal cases, as well as provide relief to understaffed courtrooms and district attorneys' offices, was the idea of diversion (also referred to as pretrial intervention and deferred prosecution) (President's Commission on Law Enforcement and Administration of Justice, 1967; National Advisory Commission on Criminal Justice Standards and Goals, 1976).

Though the justice process has always practiced some form of diversion, (much of it informal arrangements for juveniles) only recently has the innovation been utilized for adult offenders. The growth of adult pretrial diversion has been quite strong. In fact, so popular has the concept of diversion become, there are currently 150 formal diversion programs operating in adult courts across the country (Pryor, 1982).

Although more adult pretrial programs continue to develop, change and improvement have not occurred without

problems. One of the biggest obstacles in pretrial diversion has been the limited capacity to produce, analyze and translate evaluation data into practice. In fact, there are reported instances where administrators make programmatic changes in the absence of research or on the basis of poor research (National Association of Pretrial Service Agencies, 1978). In addition, Levine et al (1980) have claimed that diversion policy decisions are usually not based on empirical facts.

The limited capacity to collect and maintain quality evaluation data has received much attention in pretrial diversion. In 1978 the National Association of Pretrial Services Agencies (NAPSA) attempted to stimulate the importance of developing evaluation capabilities by setting specific national standards and goals. Standard 7.1 states "Pretrial diversion programs should monitor, research, and evaluate the performance and practices of their programs" (NAPSA, 1978:117).

Unfortunately, for whatever reason, few diversion programs have followed this national standard request. In 1982 Pryor reported, from a national survey of 127 pretrial diversion programs, that very few could provide "relevant" data concerning the program's overall arrest totals (by type of charge), or the number of cases processed through the courts. Moreover, not only could few programs provide such limited empirical information, but those that could were only able to furnish estimates of the types of cases they

were handling. Recently, in a review of research findings on pretrial diversion, Pryor and Smith (1983) found that only a small number of well-conceptualized, methodologically sound and carefully executed studies had been conducted.

The national survey of pretrial diversion programs mentioned above also found limited activity associated with the analysis of the data being collected and maintained at the program level. While there has been little discussion of limited evaluation analysis in the diversion literature, it has been addressed in other human service areas. For example, in a recent research utilization study of 268 Alaska human service agencies, Johnson (1983) found 71 percent of the agencies surveyed had no full-time research staff and an additional 13 percent indicated having only a part-time person available to analyze research and develop evaluation data. Additionally, Johnson found that most agencies had no interagency linkages with research agencies. Generalizing from these study results, it is possible to make the case that limited analysis of pretrial diversion data may be related to limited internal research staffing or minimal ties to external research agencies, i.e., university research centers.

Adams (1975) and Horst (1974) address another aspect of the limited evaluation capacity problem in pretrial diversion: policymakers are not aware of, and/or do not understand how to translate research into practice. Horst (1974) specifically states that those in charge of programs

frequently lack the motivation, understanding, ability or authority to act on evaluation issues.

A number of factors, then, have been identified as to why research has not been utilized by pretrial policymakers. One concern has been that research reports are often not understandable because of misleading statistics and technical jargon (NAPSA, 1978). In addition, concern has been expressed that there is a lack of training the staff of pretrial agencies receive in how to translate empirical data into practice, and the lack of research follow-through for implementing change (e.g., Fairweather, 1974).

This paper presents a brief case study of the Alaska Department of Law adult pretrial diversion program. Specifically examined is the development of an evaluation capacity by the Pretrial Intervention staff, in conjunction with faculty and staff of the Justice Center at the University of Alaska, Anchorage. This paper discusses progress made in introducing an analysis strategy which can generate timely results for policymaking as well as monitor staff productivity.

Alaska Pretrial Program

The Alaska Pretrial Intervention Program (PTI) began in 1978 when the Alaska Department of Law created an adult diversion program in Anchorage. Anchorage was selected as the site to implement the program because it is the state's largest population center and has the largest state and

municipal prosecuting offices. In addition, because case-loads are quite large (by Alaska standards) it was an ideal location to begin to develop the pretrial intervention program.

Since its inception the Pretrial Intervention Program has received participants from both state and municipal prosecutor's offices. The referrals have been of accused (felons and misdemeanants) who have been charged with property and personal misdemeanor crimes. In addition, and probably a most important aspect, the PTI Program has developed unique components for handling domestic assault and battery cases as well as petty shoplifting charges. With respect to domestic violence cases, unlike services offered by programs elsewhere in the country, the pretrial staff develop a closeness with crime victims. For example, staff make it a point to consult with victims and give explanations of options available to them through the criminal justice system for the disposition of their cases. If the victim prefers prosecution in lieu of compensation or community work service, the pretrial staff will relay the victim's wishes to the prosecutor. If, however, the victim prefers to defer prosecution, the prosecutor can then choose to refer the defendant to the PTI Program for supervision.

Development of an Evaluation Effort

The Department of Law, in an effort to insure that the pretrial program was performing in the best interest of the community and defendant, designed an evaluation capacity

into the pretrial program to serve as a critical management activity. The evaluation effort, developed in conjunction with senior staff of the Justice Center, was outlined in two phases. The first phase focused on evaluating the development of the pretrial program in Anchorage. Specifically examined in this first phase were the types of data/information that were to be included in the data collection forms, the processes that were to be followed in generating program information, and finally, how pretrial staff would go about developing their own department evaluation capacity. In essence, Phase I was to be the "pretest" for the actual evaluation that would take place in Phase II, after a twelve month period of program operation had been completed, and the forms designed in Phase I had been "tested."

In part, the Justice Center entered into this arrangement because of its past involvement with the Alaska Department of Law. In 1979, the Justice Center examined the concept of establishing a pretrial program in connection with legislative proposals that were part of the Division of Corrections Master Plan. During this time the state Judicial Council reviewed the pretrial program proposal and recommended that pretrial diversion be implemented as an alternative to prosecution and incarceration for nonviolent first-time offenders. These efforts encouraged the Alaska legislature to fund and expand the pretrial program statewide for Fiscal 1981. Twelve additional PTI locations were

selected in both urban and rural "bush" communities.¹

A concern of both the Alaska legislature and the Department of Law in developing and implementing a statewide pretrial program was whether management information could be generated about the activities conducted by pretrial staff. The Department of Law again requested the assistance of the Justice Center staff to develop an evaluation capacity for the pretrial program. Six months were set aside to design and implement an evaluation system that would provide information for multiple audiences - the Department of Law as well as other state and local agencies.

During this six month period the Justice Center staff and staff of the pretrial program shared responsibilities. Center staff provided the expertise regarding technical matters of program development and evaluation, and the pretrial staff offered expertise involving substantive and pretrial aspects of the Alaska legal system.

Workshops were held to instruct the Anchorage pretrial staff in the nuances of evaluation, e.g., development of codebooks, coding of interview sheets, and a brief introduction to data analysis. The importance of these workshops was their value in developing an awareness among pretrial staff of the need to be cautious in identifying data requirements and the construction of data collection forms.

The statewide implementation of the evaluation system developed in Anchorage began in January, 1983. This was the

formal initiation of Phase II. At that time the PTI staff began using the standardized forms in pretrial offices across the state in the twelve locations identified earlier. Justice Center staff and pretrial staff focused on developing the analysis capabilities for the pretrial program. Additionally, this phase would be the period in which diverted cases would be processed and coded. Included in the data collected was information on the background of offenders, prior criminal history, employment, as well as information about the crime the individual committed. In addition, information was collected about the victim(s), e.g., relationship to offender, sex, etc., as well as disposition action initiated by the pretrial staff.

Presently, this is the stage - Phase II - that we are in with this project. Though the first twelve months of data collection was completed in January, 1984, difficulties were experienced in gathering and reviewing the case sheets pretrial staff developed. Pretrial staff caseloads have picked up substantially and now that they were being asked to review prior cases, created a time lapse in Justice Center staff receiving the data for processing. Currently, 254 cases have been examined; however, to make any conclusions or statements about this data would be premature.

What can be addressed about this phase is to say how well the work process (the development of an evaluation capacity) of the Justice Center and staff of the pretrial program has developed. Though much work remains, there is

every indication that, as a result of the intensive meeting held in Phase I, pretrial staff are committed to seeing that the evaluation capability does succeed. Now that staff supervisors have seen the preliminary results of the data analysis of the initial 256 cases, they realize the "payoff" for this capacity. Current estimates are that as this calendar year progresses an additional 1000 cases will be complete and that information will contribute substantially to refining the management practices and program direction.

Conclusions

This case study, while preliminary, has attempted to examine the importance of developing the evaluation capacity in an agency at the program level. What seems promising from this first examination is that the Alaska Pretrial Intervention staff is committed not only to developing an evaluation capacity to translate research into practice but to developing interagency linkages to insure a confirmed, strong relationship. Our disappointment as presenters is that we do not have more to say about this program as data analysis is just getting underway and the translation of their information for policymakers is no further ahead.

NOTE

¹ These locations included: Barrow, Bethel, Dillingham, Fairbanks, Juneau, Kenai, Ketchikan, Kodiak, Nome, Palmer, Sitka and Valdez (see Appendix 1).

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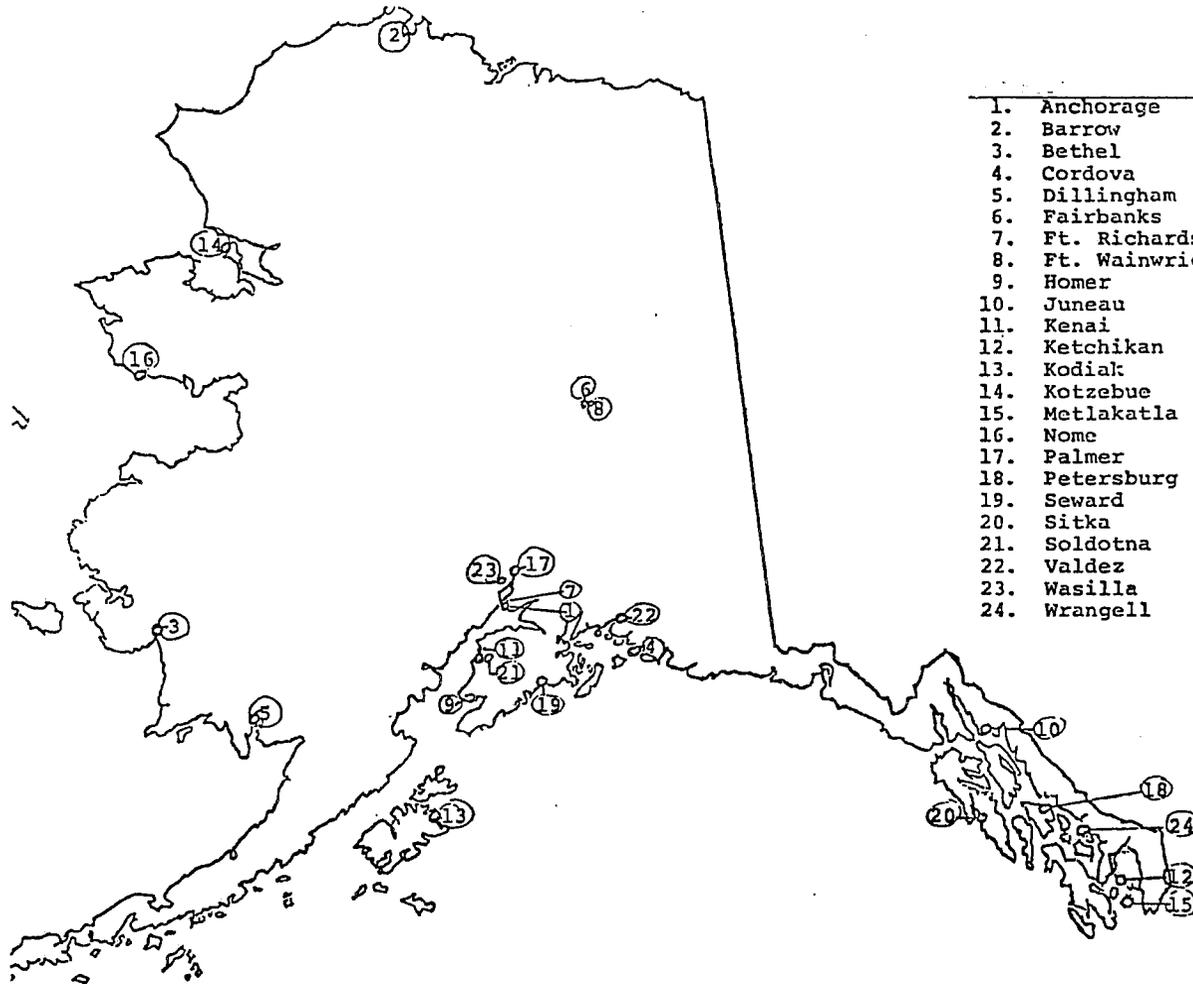
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1. Anchorage
 2. Barrow
 3. Bethel
 4. Cordova
 5. Dillingham
 6. Fairbanks
 7. Ft. Richardson
 8. Ft. Wainwright
 9. Homer
 10. Juneau
 11. Kenai
 12. Ketchikan
 13. Kodiak
 14. Kotzebue
 15. Metlakatla
 16. Nome
 17. Palmer
 18. Petersburg
 19. Seward
 20. Sitka
 21. Soldotna
 22. Valdez
 23. Wasilla
 24. Wrangell