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Spurgeon Kennedy

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THE EVIDENCE BASED DECISION MAKING FRAMEWORK

A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems

This document supports National Institute of Corrections *Evidence-Based Decision Making Framework* (EBDM). EBDM is a system wide initiative—from pre-arrest through final disposition and discharge—to promote and encourage more collaborative, evidence-based decision making and practices in local criminal justice systems. The Framework *is a way for justice systems to improve system outcomes through true collaborative partnerships, systemic use of research and a shared vision of desired outcomes*. In addition, the Framework equips criminal justice policymakers in local communities with the information, processes, and tools that will result in measurable reductions of pretrial misconduct and post-conviction reoffending.

EBDM is grounded in the belief that risk and harm reduction are fundamental goals of the justice system and can be achieved without sacrificing defendant and offender accountability or other important justice system outcomes. It both explicates the premises and values that underlie our justice system and puts forward a proposed set of evidence-based principles to guide evidence-based decision making at the local level. The Framework also highlights groundbreaking research that clearly demonstrates that we can reduce pretrial misconduct and offender recidivism. It identifies the key stakeholders who must be actively engaged in a collaborative partnership if an evidence-based system of justice is to be achieved.

NIC recognizes pretrial diversion programming as a vital part of an effective criminal justice system. NIC has encouraged EBDM participating jurisdictions to develop or improve their pretrial diversion systems, with the belief that these programs offer a meaningful intervention to criminal behavior and help systems target court, prosecutorial, and corrections resources to cases and defendants where regular prosecution is the more appropriate decision. NAPSA is proud to partner with NIC under this significant criminal justice initiative and to highlight pretrial diversion as a major decision point in America's justice systems.

THE NATIONAL ASSOCIATION OF PRETRIAL SERVICES AGENCIES

*Promoting Pretrial Justice through the Development and Support of Pretrial Services Agencies
Nationwide*

The National Association of Pretrial Services Agencies (NAPSA) is the national professional association for the pretrial release and pretrial diversion fields. Incorporated in 1973 as a not-for-profit corporation, the Association's goals are to:

- Serve as a national forum for ideas and issues in the area of pretrial services.
- Promote the establishment of agencies to provide such services.
- Encourage responsibility among its members.
- Promote research and development in the field.
- Establish a mechanism for the exchange of information.
- Increase professional competence through the development of professional standards and education.

NAPSA's five-hundred plus members include pretrial practitioners, judges, lawyers, researchers, and prosecutors from forty-four states, the District of Columbia, and Puerto Rico.

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SUMMARY

This publication outlines suggested outcome and performance measures and critical operational data for pretrial diversion programs. Its goals are to present clearly defined and easily calculable measures that pretrial diversion programs can use to gauge progress in achieving their mission and strategic goals, improve business decisions, and illustrate pretrial diversion's value in an evidence-based criminal justice system. The suggested measures are compatible with established national pretrial diversion standards and appropriate for any program established as a voluntary option to traditional criminal case processing and with a mission to:

Reduce the likelihood of future arrests through appropriate interventions based on thorough assessments and intervention plans tailored to an individual participant's risks and needs and/or
Conserve/redirect criminal justice resources to more serious crimes and those that warrant prosecution by providing a meaningful response to participant conduct.

Each measurement description includes a definition, data needed to track the metric, and a sample calculation. Also included are appendices of recommended procedures on setting measurement targets and establishing meaningful quality assurance and quality control.

SUGGESTED OUTCOME MEASURES

SUCCESS RATE: The percentage of diversion participants who successfully complete the diversion program.

SAFETY RATE: The percentage of diversion participants who are not charged with a new offense while participating in diversion programs or services.

POST-PROGRAM

SUCCESS RATE: The percentage of participants who complete diversion successfully and are not charged with a new offense during a specific period after program completion.

SUGGESTED PERFORMANCE MEASURES

SCREENING: The percentage of diversion-eligible persons assessed for diversion placement.

PLACEMENT: The percentage of persons appropriate for diversion placement who are placed into diversion and specific diversion programs or services.

COMPLIANCE: The percentage of participants successfully completing specific diversion requirements (community service hours, restitution, fees, etc.)

RESPONSE: The frequency of policy-approved responses to compliance and noncompliance with diversion conditions.

PROVISION: The percentage of assessed and appropriate participants who receive substance abuse, mental health, or other needed services.

SATISFACTION: The qualitative measure of stakeholder opinions of the pretrial diversion program's quality of supervision and services, interactions and worth within the criminal justice system.

SUGGESTED CRITICAL OPERATIONAL DATA

REFERRALS:	Number of referrals to the diversion program and referral sources.
TIME TO PLACEMENT:	Time from the defendant's arrest <i>or</i> diversion eligibility screen and actual diversion program placement.
TIME IN DIVERSION:	Time from program entry to successful completion, voluntary withdrawal, or termination.
TIME IN PROGRAMMING:	Time from entry to successful completion, voluntary withdrawal, or termination for each diversion program component.
EXITS:	Recorded graduations or other successful completions, voluntary withdrawals, and program terminations.

INTRODUCTION

To remain a valuable component of an evidence-based criminal justice system, pretrial diversion programs must ensure that outcomes match stated mission, goals, and objectives and are reasonably defined, targeted, and measured. The outcome and performance measures suggested here will help individual programs continue to provide their justice systems with proven options to help reduce current misconduct and future crime.

From the 2012 National Symposium on Pretrial Diversion

The National Institute of Corrections (NIC) publication, *Measuring What Matters: Outcome and Performance Measures for the Pretrial Release Field* addressed what NIC and pretrial services professionals viewed as the “the need for consistent and meaningful data to track individual pretrial release agency performance.”¹ *Measuring What Matters* identified outcome and performance measures and mission critical data for pretrial release programs recommended by NIC’s Pretrial Executives Network, a group of directors of established pretrial services agencies nationwide. These data were based on the following definitions:

Outcome Measure: An indicator of an agency’s effectiveness in achieving a stated mission or intended purpose.

Performance Measure: A quantitative or qualitative characterization of performance.

Performance Measurement: Assessing progress toward achieving pre-determined goals, including information on the efficiency with which resources are transformed into goods and services (outputs), the quality of those outputs and outcomes, and the effectiveness of operations in terms of their specific contributions to program objectives.²

Mission Critical Data: Data in areas strategically linked to outcome and performance.

Following the *Measuring What Matters* release, the National Association of Pretrial Services Agencies (NAPSA) recognized that many of the shortcomings in data definition, collection, and analyses noted in the pretrial release field were also deficiencies for most pretrial diversion programs. Few diversion programs have clearly defined outcome and performance measures. Moreover, data collection efforts across programs are inconsistent and lack standardized definitions, making comparisons of program outcomes difficult. Similar to other criminal justice components, the diversion field lacks standard definitions for basic concepts such as *success*, *compliance*, and *recidivism*. Finally, many diversion programs lack the capacity to process large and varied amounts of data to uncover hidden patterns and correlations. This hinders efforts to improve business decisions, illustrate the program’s worth to stakeholders and track strategic outcomes and objectives.

¹ National Institute of Corrections (2011). *Measuring What Matters: Performance Measures for the Pretrial Release Field*. www.nicic.gov/library/025172.

² National Performance Review. (1997). *Serving the American Public: Best Practices in Performance Measurement*. Washington, D.C.: Executive Office of the President.

Through its Pretrial Diversion Committee, NAPSA sought to develop a document with suggested outcome measures, performance measures, and critical operational data for pretrial diversion programs. The initiative began with committee members reviewing the literature on pretrial diversion best practices and the field's historical, legal, and statutory foundations. Committee members also reviewed the available research in the diversion field as well as current performance indicators used by diversion programs and other problem solving initiatives.³ From these, committee members established and vetted a set of suggested outcome and performance metrics. These were presented and discussed with pretrial practitioners and other criminal justice professionals during NIC and NAPSA's 2012 *Symposium on Pretrial Diversion* and workshops at NAPSA's 40th Annual Conference and Training Institute.

The result is the recommended measures and critical operational data presented in this publication. NAPSA believes the suggested measures are appropriate for any program established as a voluntary option to traditional criminal case processing and with a mission to:

Reduce the likelihood of future arrests through appropriate interventions based on thorough assessments and intervention plans tailored to an individual participant's risks and needs and/or
Conserve/redirect criminal justice resources to more serious crimes and those that warrant prosecution by providing a meaningful response to participant conduct

and strategic goals similar to:

- Providing an early opportunity to interrupt the cycle of crime and promote public safety through expedited dispositions or brief and effective interventions focused on behavioral change.
- Modifying behaviors linked to further criminal activity.
- Conserving/redirecting criminal justice resources to offenses where adjudication is a more appropriate response.
- Enhancing personal accountability and responsibility.
- Utilizing intermediate sanctions to reduce reliance on jail.

A central issue for the committee is whether certain recommended measures such as success and safety rates are more "system" indicators than measures of individual agency performance. For example, a success rate depends as much on the number of participants placed into diversion programming, their degree of risk, and the requirements mandated by the court or prosecutor as the quality of the diversion program's screening, placement, or supervision protocols. These

³ DiIulio, J.J., Alpert, G. P. Moore, M.H., Cole, G.F., Petersilia, J., Logan, C.H., Wilson, J.Q. (1993). *Performance Measures for the Criminal Justice System*. (Washington, D.C.: United States Department of Justice, Bureau of Justice Statistics). NCJ 143505. Pennsylvania Commission on Crime & Delinquency, Office of Criminal Justice Systems Improvement. (2011). *Criminal Justice Performance Measures Literature Review Calendar Years: 2000 to 2010*. United States Department of Justice, Bureau of Justice Assistance. *Measures of Drug Court Performance*. <https://www.bja.gov/evaluation/program-substance-abuse/drug5.htm>.

issues notwithstanding, the committee believes the measures identified are critical indicators of diversion program success. It recommends that programs use measureable targets to recognize and offset these external factors. (See *Appendix II: Setting Targets*.)

DATA QUALITY

Data quality—or verifying that information is reliable enough for its stated purpose—is essential to outcome and performance measurement. Data must measure what it reports to measure or it is not useful or trustworthy. Generally, data quality encompasses the following:

- *Accuracy*: the degree of confidence that data are free of error or defect.
- *Completeness*: the extent to which data are not missing and are of sufficient breadth and depth for the task at hand.
- *Consistency*: the degree to which common data across different sources follow the same definitions, codes, and formats.
- *Timeliness*: the degree to which data are up to date.
- *Security*: the degree to which data confidentiality, integrity, and availability is maintained.
- *Fit for Purpose*: the degree to which data are relevant, appropriate, and meet business specifications.⁴

Outcome and performance measurement depend the most on data accuracy and consistency. Pretrial diversion programs implementing a measurement system must establish rules to ensure that data values used for measures analysis are the correct values. These should include policies that outline accepted data definitions, sources and rules for data entry, and controls within information systems to limit entry only to accepted data types. Quality assurance procedures also must exist to ensure reliability of data entry among staff and the proper use of data collection tools, such as risk and needs assessments.

See *Appendix IV* for a discussion on measures data compilation and quality control.

⁴ Steve Bennett, SmartData Collective. <http://smartdatacollective.com/Home/20933>.

OUTCOME MEASURES

“The goal is to transform data into information, and information into insight.”

Carly Fiorina, Executive and President of Hewlett-Packard Co (2000).

SUCCESS RATE

Success rate is the percentage of diversion participants who successfully complete the diversion program. This is the most basic outcome measure for pretrial diversion programs. Successful program outcomes also may help reduce recidivism.⁵

Recommended Data: The total number of diversion program participants and the subset of this population successfully completing program requirements. “Successful completion” may be tracked by program graduation, final discharge, charge reduction or dismissal, or other quantitative data.

$$\text{Success Rate} = \frac{\text{Number of Participants Successfully Completing Program Requirements}}{\text{Total Number of Diversion Program Participants}}$$

Success Rate may be tracked by various participant groups or diversion programming.

SAFETY RATE

Safety rate is the percentage of diversion participants who are not charged with a new offense while participating in diversion programs and services. A new offense is defined as one:

- whose offense date occurs during the defendant’s period of diversion;
- that includes a prosecutorial decision to charge; and
- that carries the potential of incarceration or community supervision upon conviction.

This definition excludes arrest warrants executed during the diversion period for offenses committed before the participant’s diversion placement.

⁵ Gondolf, E. W. (2002). *Batterer Intervention Systems: Issues, Outcomes and Recommendations*. Thousand Oaks, CA: Sage Publications. Taxman, F.S. (2007). “Reentry and Supervision: One Is Impossible Without the Other.” *Corrections Today* 69 no. 2: 98-105. Pew Center on the States. (2011) *State of Recidivism: The Revolving Door of America’s Prisons*. <http://www.scribd.com/doc/52965606/Pew-Report-2011-State-of-Recidivism>.

Performance and Principles: Measures and National Standards

*Measures gauge how well an organization performs mission-critical functions. However, these functions are **defined** through the organization's mission, vision, and strategic goals. An important resource for pretrial diversion programs in defining mission, vision, and goals is NAPSAs Performance Standards and Goals for Pretrial Diversion/Intervention (2008). These standards provide the philosophical and aspirational foundation for pretrial diversion programming and, by extension, for the field's outcome and performance metrics. The standards outline a system of pretrial diversion that balances fair and equitable treatment of diversion participants with efficient programming and respect for the criminal justice system's goal of harm reduction. Among the values promulgated are diversion eligibility that promotes broad, diverse and inclusive participation; fair and equitable screening and placement procedures; clear and meaningful interventions; programming targeted to specific risk and needs; and measurable and well-defined outcomes.*

The NAPSAs Performance Standards and Goals for Pretrial Diversion/Intervention are available at:

Recommended Data: The total number of diversion participants and the subset of this population not charged with a new offense during diversion participation. Programs also may track separate safety rates by charge type (for example, misdemeanors, felonies or local ordinance offenses) and by types of diversion programming and services.

$$\text{Safety Rate} = \frac{\text{Number of Participants Not Charged with a New Offense During Diversion Period}}{\text{Total Number of Diversion Program Participants}}$$

To ensure an accurate measure of safety, diversion programs should have in place a mechanism to identify new offenses, such as access to criminal history information and policies and procedures to guide staff in the frequency of reporting and collecting this data.

POST-PROGRAM SUCCESS RATE

Post-program success rate is the percentage of participants who complete diversion successfully and are not charged with a new offense during a specific period after program completion.

Recommended Data: The number of participants completing diversion successfully and the subset of this population who have no new arrests or citations for alleged criminal activity during a program's defined timeframe following diversion completion.

$$\text{Post-program Success Rate} = \frac{\text{Number of Participant Completions with No New Arrests/Citations}}{\text{Total Number of Diversion Participants Completing Diversion}}$$

Post-program success rate measures recidivism reduction. This is a principle criminal justice outcome and the foundation of the EBDM Framework. Since recidivism reduction depends largely on changing an individual's behavior and thinking towards criminality, the Committee recommends the *post-program success* outcome measure only for diversion programs whose

missions include reducing recidivism by addressing each individual participant's criminogenic risk and needs factors.

While the generic definition of recidivism—continued criminal behavior following an individual's completion of conviction or community-based supervision—is accepted within the criminal justice field, practitioners *measure* the term differently. For example, the definition of “reoffending” and the length of time tracked after program completion to a new offense.⁶ The Committee recommends the same definition of “new offense” for the *post-program success rate* measure as used for the *safety rate* measure.

There is no consensus on the most appropriate time frame to track recidivist behavior.⁷ Reporting recidivism rates at one-year and three-year intervals was common in the literature, as was employing multiple reporting intervals (for example, at six months, one year, then 18 months). The committee does not recommend a specific time frame for the *post-program success rate* measure, though we advise pretrial diversion programs not to exceed a three-year reporting period and encourage them to match reporting intervals with the length of diversion programming, with shorter program times producing shorter expected periods of crime-free behavior.

⁶Maltz, M.D. (1984). *Recidivism*. San Diego, CA: Academic Press. Inc. NCJ 146886. (Internet edition available at <http://www.uic.edu/depts/lib/forr/pdf/crimjust/recidivism.pdf>) National Institute of Justice. *Measuring Recidivism*. <http://www.nij.gov/topics/corrections/recidivism/measuring.htm>. Fischer, R.G. (2005).

“Are California’s Recidivism Rates *Really* the Highest in the Nation? It Depends on What Measure of Recidivism You Use.” *The Bulletin*, Volume One, Issue One (September 2005). Department of Criminology, Law and Society, University of California, Irvine.

⁷ Sacks, H. and C. Logan, C. (1979). *Does Parole Make a Difference?* University of Connecticut School of Law Press. Langan, P.A. and Cuniff, M.A. (1992). *Recidivism of Felons on Probation, 1986-1989*. Washington, D.C.: Bureau of Justice Statistics. Sacks, H. and Logan, C. (1980). *Parole: Crime Prevention or Crime Postponement?* University of Connecticut School of Law Press. (within three years of sentencing), Gottfredson, M., S. Mitchell-Herzfeld, and T. Flanagan, “Another Look at the Effectiveness of Parole Supervision.” *Journal of Research in Crime and Delinquency*. 19(2): 277-298. (five years from release).

PERFORMANCE MEASURES

SCREENING

Screening is the percentage of diversion-eligible persons assessed for diversion placement. Screening includes any combination of program interview, application of assessment or eligibility criteria or other methods to determine placement. This measure conforms to national standards that encourage full screening of diversion-eligible individuals and state diversion statutes mandating eligibility for certain participant groups. Measured screening should track all participants who become eligible for pretrial diversion throughout case processing.

Recommended Data: The total number of diversion-eligible individuals and the subset of this population screened.

$$\text{Screening} = \frac{\text{Number of Diversion – Eligible Individuals Screened}}{\text{Total Number of Diversion – Eligible Individuals}}$$

PLACEMENT

Placement reflects the percentage of diversion-eligible persons actually placed into diversion or specific diversion programs or services. It is the measure of the program's scope and effectiveness in conserving/redirecting criminal justice resources to cases where adjudication is the more appropriate response. *Placement* requires diversion programs to have formal eligibility criteria either by statute, court rule, or program policy.

Recommended Data: The total number of diversion-eligible individuals and the subset of this population placed into the diversion program.

$$\text{Placement} = \frac{\text{Total Number of Diversion – Eligible Individuals Placed into Diversion Program}}{\text{Total Number of Diversion – Eligible Individuals}}$$

COMPLIANCE

Compliance is the percentage of participants who complete specific diversion requirements such as community service, restitution payment, educational programs, mediation, or needs-related services. *Compliance* requires diversion programs to have clear definitions of successful completion of individual components, such as community service, restitution payments, or completion of substance abuse or mental health-related placements.

Recommended Data: The total number of participants placed under diversion programming and the subset of this population who were compliant with diversion requirements. Data also can be collected on compliance with specific diversion requirements.

$$\text{Compliance} = \frac{\text{Number of Compliant Diversion Placements}}{\text{Total Number of Diversion Placements}}$$

RESPONSE

Response measures how often diversion staff respond to compliance and noncompliance with diversion conditions, based on recognized policy and procedures. This measure conforms to national standards for pretrial diversion and evidence-based practices in criminal justice for swift, certain, and meaningful responses to participant and offender conduct.

Besides the ability to track staff responses, this performance measure requires diversion programs to have clear definitions of compliance and noncompliance and procedures outlining appropriate staff responses.

Recommended Data: The number of identified technical violations and the percentage of those violations with a noted appropriate staff response. This includes administrative responses by staff and recommendations for prosecutorial or judicial action.

$$\text{Response} = \frac{\text{Number of Technical Violations with an Appropriate Staff Response}}{\text{Total Number of Technical Violations}}$$

PROVISION

Provision measures the percentage of participants who were assessed and appropriately placed into substance abuse, mental health, or other services. It conforms to the recognized evidence-based practice of risk-need-responsivity by matching supervision and services to an individual's assessed risk and need.

Recommended Data: The number of participants assessed and found in need of specific services and the subset of this population placed into these services.

$$\text{Provision} = \frac{\text{Number of Assessed Participants Placed into Services}}{\text{Total Number of Assessed Participants}}$$

SATISFACTION

Satisfaction is the qualitative measure of how the pretrial diversion program's stakeholders rate the program's quality of supervision and services, interactions, and worth within the criminal justice system. This measure conforms to research in organizational management that shows a

correlation between employee satisfaction and customer satisfaction and organization outcomes.⁸ At a minimum, stakeholders should include diversion program staff, current and former diversion program participants, victims, prosecutors, and the Courts.

Recommended Data: Qualitative data from surveys, focus groups, questionnaires and other sources on stakeholder satisfaction with the pretrial diversion program. Stakeholder-specific information may include:

Diversion program staff: The value of individual staff work; whether individual work ties in with the program's mission and goals; degree of freedom in assigned work areas; sense of teamwork and shared co-worker values; perception that positive staff behavior is recognized and rewarded.

Program participants: Fairness of eligibility criteria, program rules, and program procedures; value of programming and services; opinions about staff; perception of whether diversion participation was worthwhile.

Prosecutor and Courts: Satisfaction with diversion program operations; perception that the diversion program provides a meaningful option for targeted defendants; professionalism of program staff; satisfaction with identified program mission and goals.

Victims: Satisfaction with program outcomes; perception of diversion program's fairness as a sanction; staff responsiveness to needs; satisfaction with restitution or community services programs and procedures.

Another performance measure the committee considered was docket control, or the percentage of reduced case filings and adjudications attributable to diversion placements. Decreasing filings and adjudications in cases where diversion programming is a better prosecutorial decision is a vital performance metric for diversion programs. However, the committee believed this performance objective could be tracked as effectively through the screening and placement measures. Nonetheless, we encourage diversion programs to consider whether docket control is a more appropriate measure.

⁸ Impact of Employee Satisfaction on Customer Satisfaction of T Mobile United Kingdom. *StudyMode.com*. Retrieved April 2011, from <http://www.studymode.com/essays/Impact-Of-Employee-Satisfaction-On-Customer-652636.html>. Harter, J. K., Schmidt, F. L., Agrawal, S., and Plowman, S. K. (2013). *The relationship between engagement at work and organizational outcomes: 2012 Q² meta-analysis*. Omaha, NE: Gallup.

CRITICAL OPERATIONAL DATA

REFERRALS

Number of referrals to the diversion program and referral sources.

TIME TO DIVERSION PROGRAM PLACEMENT

Time from the defendant's arrest *or* diversion eligibility screening and actual diversion program placement.

TIME IN DIVERSION

Time from the participant's official placement into the diversion program (for example, the date of the participant's acceptance of the diversion program contract) to an official conclusion of program participation through successful completion, voluntary withdrawal, or termination.

TIME IN PROGRAMMING

Time from entry to successful completion, voluntary withdrawal, or termination for each diversion program component.

EXITS

Recorded graduations or other successful completions, voluntary withdrawals, and program terminations. Reasons for withdrawals and terminations—for example, a new offense or a participant's decision to proceed with trial—also may be tracked.

CONCLUSION

At the same time, we openly acknowledge that there is much work to be done. An earnest review of the research reveals large bodies in some areas and significant deficits in others, particularly in pretrial justice and prosecution. We must work to fill these. Early reviewers of the Framework have suggested it is incomplete in other ways, including insufficient guidance around important implementation issues. We agree and seek to answer these concerns in the next phase of our work. These are but a few of the challenges that lie ahead.⁹

*Morris Thigpen,
Former Director, National Institute of Corrections*

In the last decade, America's criminal justice systems have become laboratories for innovative programs and collaborative problem-solving approaches. A body of developing research suggests that these approaches can reduce crime, promote better victim services, and enhance public trust in the justice system. The willingness of criminal justice policy makers and practitioners to look beyond normal court and corrections processes for effective solutions to crime and recidivism is mirrored in the growing interest in adopting or improving pretrial diversion programming. When implemented well, pretrial diversion programs provide an evidence-based intervention to criminal behavior that helps local justice systems implement meaningful responses to participant behavior far sooner in the process and target court, prosecutorial and corrections resources to cases and individuals that warrant prosecution.

The National Association of Pretrial Services Agencies and the National Institute of Corrections believe that these suggested outcome and performance measures and critical operational data will help pretrial diversion programs remain valuable components within evidence-based criminal justice processing. Ensuring that pretrial diversion program outcomes conform to stated missions, goals, and objectives ultimately helps improve overall criminal justice systems and help reduce current misconduct and future criminality. We are proud to offer this resource to all pretrial diversion programs that want to measure for results.

⁹Center for Effective Public Policy. (2010). *A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems: An Initiative of the National Institute of Corrections*. Washington, DC: The Center for Effective Public Policy. Page 3.

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APPENDIX I: SAMPLE MEASURES DIAGRAM

MISSION/OBJECTIVE

Reducing the likelihood of future arrests through appropriate interventions based on thorough assessments and intervention plans tailored to an individual participant's risks and needs

or

Conserving/redirecting criminal justice resources to more serious crimes and those that warrant prosecution by providing a meaningful response to participant conduct

OUTCOME MEASURES

SUCCESS RATE: The percentage of diversion participants who successfully complete the diversion program.

SAFETY RATE: The percentage of diversion participants who are not charged with a new offense while participating in diversion programs or services.

POST-PROGRAM SUCCESS RATE: The percentage of participants in problem-solving diversion initiatives who are not charged with a new offense within a specific time period after diversion program completion.

Strategic Objectives
Conserving/redirecting criminal justice resources to more appropriate cases

Performance Measures

SCREENING: The percentage of eligible persons assessed for diversion placement.

PLACEMENT: The percentage of persons appropriate for diversion placement who are placed into diversion programs or services.

SATISFACTION: Stakeholder opinions of the diversion program's quality of supervision, services, interactions, and worth.

Strategic Objective
Enhancing personal accountability and responsibility

Performance Measures

COMPLIANCE: The percentage of participants successfully completing specific diversion requirements (community service hours, restitution, fees, etc.).

RESPONSE: The frequency of policy-approved responses to compliance and noncompliance with diversion conditions.

Strategic Objective
Reducing arrests by modifying behaviors linked to further criminal activity

Performance Measures

PROVISION: The percentage of assessed and appropriate participants who receive substance abuse, mental health or other needed services.

External Factors/Assumptions

Community ❖ Legal ❖ Defendant ❖ System

APPENDIX II: EXAMPLES FROM THE FIELD

Mental Health Courts

Participant Accountability

- 1 ***In-Program Reoffending:*** The incidence of in-program reoffending (i.e., whether an arrest occurred, yes or no). In-program reoffending is defined as an arrest that results in the offender being formally charged (excluding traffic citations other than driving under the influence) and which occurs between admission and exit. While the date of arrest must fall between the entry date and exit date, the charge date may come after the participant has exited the program. This measure serves as an important measure of offender compliance and the level of supervision received. Hence, it is an indicator for public safety.
- 2 ***Attendance at Scheduled Judicial Status Hearings:*** The percent of scheduled judicial status hearings attended by the participant. The performance measure reflects the level of judicial supervision for each participant.
- 3 ***Attendance at Scheduled Therapeutic Sessions:*** The percent of scheduled therapeutic sessions (defined as services to address mental health and/or substance abuse problems) attended. Therapeutic treatment is an essential element of MHCs.

Social Functioning

- 4 ***Living Arrangement:*** Tracks the progress of MHC participants toward securing a stable living arrangement. Specifically, the percent of participants who are homeless or not at exit, by living status at entry. Adequate housing is a prerequisite for treatment effectiveness.

Case Processing

- 5 ***Retention:*** The percent of participants admitted to the MHC during the same time frame, who exit the program by one of the following means: successful completion, administrative closure, voluntary withdrawal while in compliance, discharge, transfer, and failure/termination. Retention is important in MHCs because it is critical that participants receive treatment and supervision of a duration long enough to affect change.
- 6 ***Time from Arrest to Referral:*** The average length of time between a participant's arrest and referral to MHC. While the referral process is not entirely under the court's control, it is an important component in obtaining relevant and timely information. This is especially true when offenders who are mentally ill are incarcerated and are at risk for decompensation.
- 7 ***Time from Referral to Admission:*** The average length of time between the referral to MHC and when the participant was accepted into the program. The span of time between referral and admission is an important part of controlling the length of time it takes to get a participant into treatment. This measure will help the court identify inefficiencies in the screening and qualification process.

- 8 ***Total Time in Program:*** The average length of time between a participant’s admission into the MHC and permanent exit. If this time span is very short, participants may not be receiving enough treatment and care to affect long term improvement. If it is very long, courts may be devoting too great a share of their resources to difficult cases, denying opportunities to other potential participants.

Collaboration

- 9 ***Team Collaboration:*** The percentage of time that information relevant for discussion at the pre-docket meeting is available to the team. This provides a gauge to the court of the level of collaboration across the entire MHC team and allows for the identification of gaps in information sharing. With this measure, courts can investigate a lack of resources or lack of commitment by individuals/agencies. This is NOT a measure of attendance at pre-docket meetings.
- 10 ***Agency Collaboration:*** The percentage of time that a MHC representative was notified within 24 and 48 hours that a participant in the program was arrested. This measure assesses the timeliness of the basic flow of communication between corrections (jail) and the MHC program so that services and medication are maintained during time spent in detention. Effective inter-agency collaboration will improve the effectiveness of the MHC and its operations.

Individualized and Appropriate Treatment

- 11 ***Need-Based Treatment and Supervision:*** The goal of this measure is to align participants’ diagnosis and criminogenic risk with the appropriate treatment and service dosage. The measure provides courts with an indicator of whether the resources available for supervision and treatment are allocated based on need. Operationally, it measures the percentage of participants who receive the highest (and alternatively lowest) level of services and supervision and whether those are the same participants who are designated as having highest (and lowest) needs. Achieving this will provide the necessary balance for effective use of tax payer money, ensuring public safety and improving the welfare of the participant using need-based, individualized, and appropriate treatment.

Procedural Fairness

- 12 ***Participant-Level Satisfaction:*** Perceived fairness of the program by the participant as expressed in a short 5-question survey. Research indicates that the perception of fairness is often more important than the actual outcome of the case (e.g., procedural justice), making this measure important in gauging the perception of the participant.

Aftercare/Post-Exit Transition

- 13 ***Participant Preparation for Transition:*** Percent of correct responses by the participant identifying sources of assistance (e.g., for medication or mental health symptoms) to be used after exiting the program. This measure provides the MHC with an assessment of whether participants are prepared for their transition by ensuring that needed treatment and services will remain available and accessible after their court supervision concludes.
- 14 ***Post-Program Recidivism:*** Percentage of participants who reoffended within two years after exiting the MHC. This performance measure is an important measure of the lasting outcomes of the court’s program as well as public safety. It captures longer-term outcomes, as compared to Measure 1 “In-Program Reoffending” and is thus reflective of the effectiveness of the program.

Waters, N.L., Cheesman, F.L., Gibson, S.A. and Dazevedo, I. (2010). *Mental Health Court Performance Measures: Introduction and Overview* Williamsburg, VA: National Center for State Courts.

Drug Courts

1. **Retention:** The percentage of a particular admissions cohort that exited the drug court program, broken down by the type of exit (e.g., graduation, termination, voluntary withdrawal, or death). Retention is necessary to keep drug court participants in treatment long enough to realize an effect. Research indicates that three months of drug treatment may be the minimal threshold for detecting dose-response effects, 6 to 12 months may be threshold for clinically meaningful reductions in drug use, and that 12 months of drug treatment appears to be the “median point” on the dose-response curve (i.e., approximately 50% of clients who complete 12 months or more of drug abuse treatment remain abstinent for an additional year following completion of treatment). Longer retention not only indicates success in treatment but also predicts future success in the form of lower post-treatment drug use and re-offending.
2. **Sobriety:** (1) Average length of continuous sobriety or (2) the average number of failed tests. Sobriety, both during and after drug court participation, is a goal of all drug courts because it fosters offender rehabilitation, public safety, and offender accountability. Research has shown that increasing amounts of time between relapses is associated with continued reductions in use. Both the trends and the average of these measures should be useful performance measures.
3. **In-program Recidivism:** The rate at which drug court participants are rearrested during the course of their participation. Drug courts are expected to produce low rates of in-program recidivism among drug court participants in comparison to other more traditional interventions for drug offenders such as probation or community-based treatment. The combination of judicial supervision, treatment, and rewards and sanctions that uniquely characterize drug courts are expected to lower recidivism, a finding supported by research.
4. **Units of Service:** The rate of delivery of drug court activities that address the needs of drug court clients. Services must be delivered in sufficient dosage to drug court participants to be effective. Service units should be based on actual attendance of a drug court participant in one of the recommended or mandated activities. Units of service for outpatient services are measured by counting sessions or episodes. For inpatient services, units of service are measured by the number of days the service was provided.

Heck, Cary. (2006). *Local Drug Court Research: Navigating Performance Measures and Process Evaluations*. Washington, DC: Bureau of Justice Assistance, U.S. Department of Justice.

APPENDIX III: SETTING TARGETS

Performance goal: A target level of an activity expressed as a tangible measurable objective, against which actual achievement can be compared.

National Performance Review. (1997).

A *performance target* is a numeric goal for an outcome or performance measure. It is a specific gauge of performance achieved against performance expected. Well-defined, ambitious, and attainable performance targets can help organizations deliver expected services and outcomes and identify needed programmatic and systemic strategic changes. Conversely, static or unreasonable targets can encourage lower expectations, thereby minimizing the program's influence as a system partner or burden organizations with objectives that are inconsistent with its mission and resources.

Given variances nationwide in participant populations, court operations and justice system practices, the committee believed recommended universal targets for each stated measure is impractical. Instead, the committee recommends that individual pretrial diversion programs adopt the SMART (specific, measurable, achievable, realistic and time-bound) method to set effective targets.

SPECIFIC

Specific targets are clear and unambiguous. They describe exactly what is expected, when, and how much. For example, a specific target for *screening* would be: "process 95% of participants eligible by statute or local rule for pretrial diversion." Because the targets are specific, the pretrial diversion program can easily measure progress toward meeting them.

MEASURABLE

An effective target answers the questions "how much" or "how many." Each target must be a set number or percent. Further, each target must be based on existing and retrievable data. Programs must assess their information management capacity to determine a target's feasibility.

ACHIEVABLE

Targets must not be either out of reach or below an acceptable standard. Targets set too high or too low become meaningless and eventually worthless as indicators. The organization's most recent past performance (around the last two years) usually is a good indicator of what is feasible—at least as a beginning target.

REALISTIC

Realistic targets consider an organization's resources and the areas it actually can influence.

TIME-BOUND

Effective targets have fixed durations—for example, a calendar or fiscal year—that allow time to achieve or calculate the outcome or performance measure.

OTHER RECOMMENDATIONS

- ▶ If establishing initial targets, set a minimum target and a stretch target. The minimum target should be one the agency believes is the most manageable while the stretch target would serve as the rate the agency would strive to accomplish. Programs also can set a minimum target for the first year or two of performance measurement and a stretch target for future years.
- ▶ Consider trends to establish a target baseline. If past data exist for performance on a particular measurement, examine that data for trends that can serve as a baseline for setting targets for future performance.
- ▶ Use SWOT analysis to gauge the program's internal *strengths* and *weaknesses*, as well as its external *opportunities* and *threats*. Consider target rates that can help build on strengths and leverage opportunities, as well as minimize weaknesses and threats.
- ▶ Get feedback from stakeholders: their expectations can yield insights in setting appropriate targets.
- ▶ If available, consider the performance targets of comparable diversion programs.
- ▶ Consider current or planned internal or external initiatives that may affect set or potential targets.

APPENDIX IV: COMPILING MEASURES DATA

Two men were examining the output of the new computer in their department. After an hour or so of analyzing the data, one of them remarked: “Do you realize it used to take 400 men at least 250 years to make a mistake this big?”

Unknown

All good outcome and performance measurement systems have strict procedures for quality of data entry, compilation, mining, and interpretation. These procedures encompass at least the following areas.

Outcome and Performance Measure Definition and Identification of Measure Targets: This includes a clear definition of each measure as well as definition and identification of the data elements being measured. For example, if a diversion program adopts the recommended definition of “safety rate,” program management should determine the types of new arrests/citations or subsequent court dispositions that would be considered “new offenses.” Managers would then determine whether data meeting that definition is available, either in automated or manual form, and reliably accurate.

Diversion program management also should schedule regular reviews to ensure that identified measures still meet the program’s mission and objectives and that targets are still ambitious but reasonable. For example, the *Government Performance and Results Modernization Act of 2010* (PL 111-352) recommends that federal government agencies review all outcome and performance measures and targets every two years.

Structure of Automated and Manual Data Entry Systems to Accommodate the Defined Measures: Program management should ensure that automated and manual data entry systems can accommodate tracking of defined measures. The diversion program should also have a clear protocol for recommending and developing revisions to the data entry systems needed to record and extract the data to be measured properly.

Entry of Measure and Critical Operations Data by Appropriate Staff into the Program’s Production Database: The program should establish and track clear procedures for staff entry of all outcome and performance related data. If data are from external sources (for example, a link from another agency’s information system), the program must have procedures to ensure correct definition and mapping of these data to its own information system.

Extraction of Data from a Production Database to an Analysis Database: If the program uses a separate analytical program to calculate outcome and performance measure data, managers must ensure that the external program meets accepted programming and collection rules to:

- *Extract* data from the production database and other external sources;
- *Transform* data from production coding to that of the analytical software; and
- *Load* data into the analytical software.

Reporting Data to Program Management and Stakeholders: To ensure data availability for immediate and long-term decision-making and performance budgeting, program managers should establish definite reporting expectations for outcome and performance data. Data reports and analyses should be used routinely to manage the program, plan the program's budget and to market the program to other system stakeholders.