

Performance Measures for the Criminal Justice System

**Discussion Papers from the
BJS-Princeton Project by
John J. DiIulio, Jr.
Geoffrey P. Alpert
Mark H. Moore
George F. Cole
Joan Petersilia
Charles H. Logan
James Q. Wilson**

October 1993, NCJ 143505

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

Lawrence A. Greenfeld
Acting Director

**Bureau of Justice Statistics - Princeton University
Study Group on Criminal Justice
Performance Measures**

The goal of the BJS-Princeton Project is to engage the criminal justice community in a rigorous debate regarding appropriate measures and ways in which they can be effectively utilized by policymakers and practitioners.

Papers were prepared for Study Group review and dissemination by John J. DiIulio, Jr. (project director), James Q. Wilson (project advisor), Mark H. Moore, Joan Petersilia, Geoffrey P. Alpert, George F. Cole, and Charles H. Logan. The authors focus on selected components of the criminal justice system and the utility of performance measures for each. Other members of the study group are Norman A. Carlson, University of Minnesota; Wayne Estelle, former warden, California Men's Colony; James Short, Washington State University; and Steven K. Smith (project monitor), BJS.

This project is supported by BJS grant number 92-BJ-CX-0002 to Princeton University. The contents of this document do not necessarily reflect the views or policies of the Bureau of Justice Statistics or the U.S. Department of Justice.

Contents

<i>Lawrence A. Greenfeld</i>	Foreword	v
<i>John J. DiIulio, Jr.</i>	Rethinking the Criminal Justice System: Toward a New Paradigm	1
<i>Charles H. Logan</i>	Criminal Justice Performance Measures for Prisons	19
<i>Joan Petersilia</i>	Measuring the Performance of Community Corrections	61
<i>George F. Cole</i>	Performance Measures for the Trial Courts, Prosecution, and Public Defense	87
<i>Geoffrey Alpert</i> <i>Mark H. Moore</i>	Measuring Police Performance in the New Paradigm of Policing	109
<i>John J. DiIulio, Jr.</i>	Measuring Performance When There Is No Bottom Line	143
<i>James Q. Wilson</i>	The Problem of Defining Agency Success	157

Acknowledgments

A number of individuals actively contributed to the working group meetings, reviewed papers, and provided comments, including Pamela Casey and Sally Hillsman of the National Center for State Courts; James P. Lynch, American University; Elizabeth McCaughey, Manhattan Institute; Anne Piehl, Harvard University; Allen J. Beck, Tom Hester, and John M. Dawson of BJS; and Steven D. Dillingham, former director of BJS and study group member. Production was administered by Marilyn Marbrook and Yvonne Boston of BJS.

Foreword

Efficiency, effectiveness, and fairness are central goals for the administration of criminal justice in the United States. Efficiency means economically applying available resources to accomplish statutory goals as well as to improve public safety. Effectiveness refers to carrying out justice system activities with proper regard for equity, proportionality, constitutional protections afforded defendants and convicted offenders, and public safety. Assuring equal treatment and handling of like offenders and giving equal weight to legally relevant factors in sentencing represent the types of concerns generally expressed about the fairness of the criminal justice system.

Unanimous agreement exists that the justice system ought to be efficient, effective, and fair. Less accord, however, exists about how best to secure these essential qualities or how to measure whether they have been achieved. Apart from the obvious problem of determining the measurement criteria for a particular performance expectation, there is a more difficult subsequent problem of determining what weight to give to the findings and what changes need to be made to resolve the gap between expectation and performance. Unlike marks on a ruler, criminal justice measures are not neutral standards but are factors that enter into the processes being analyzed—identifying relative degrees of improvement in fairness in sentencing, for example, would still indicate that the sentencing process was giving weight to information not legally relevant.

The essays in this volume take a new tack as their authors address all three concerns. The participants in the Bureau of Justice Statistics-Princeton Study Group focus attention on the problem of measurement with respect to these fundamental expectations for the administration of justice. After years of observing the justice system that they are now writing about, the authors provide some new ideas to consider for improving the justice system.

In the first essay, the director of the study group, John DiIulio, Jr., proposes a fresh way to understand or interpret the familiar elements in American criminal justice: prisons, community supervision, trial courts, and police. He establishes the theme that there must be a full and realistic accounting of the activities of criminal justice agencies. In calling for measures grounded in civic ideals, DiIulio also initiates the refrain that underlines the involvement of citizens in the work of those agencies.

Before the discussion curves back to DiIulio's and James Wilson's thoughts about the challenge of measuring performance in public organizations, the individual essays both widen the argument, taking in broader intellectual concepts, and narrow it, listing specific performance measures. In some cases, as in George Cole's presentation of measures for trial courts, the basic outlines of the activities remain untouched, while in other cases, as in Mark Moore's and Geoffrey Alpert's consideration of measures for police, the authors urge a departure from the familiar. In probation and parole, the rapid growth in the community supervision population, according to Joan Petersilia, has forced control out of the hands of corrections professionals. She believes that one way administrators can regain the operational levers is to define a mission and to measure clearly how well the agencies are achieving their goals.

BJS data: Delineating and testing performance measures

The participants in the BJS-Princeton Study Group reached their conclusions with few direct references to the basic numbers and statistics that BJS has reported over the past 20 years. Their task was to start hammering out an institutional template of concepts. As more persons enter the discussions about evaluating the administration of justice, however, increased attention will have to be paid to existing data and the need for new data.

A commonly held view, for example, is that the criminal justice system is chaotic and rather poorly administers the statutory expectations placed upon it. BJS data reveal that there may be more coherence between law and practice than is generally assumed:

Example: Over the last decade, States have reformed many of their criminal sentencing laws, largely aiming to increase the likelihood of a prison sentence. BJS data reveal that what the State and Federal lawmakers sought in these reforms has been achieved — the odds of imprisonment given conviction for most crimes has increased. The reforms effectively brought about three record high rates in the prison population: per capita, per reported crime, and per arrest.

Example: Over the last decade, as well, a “War on Drugs” was waged, and BJS data show that drug offenses now account for a larger share of convictions and imprisonment than ever before. BJS data tell us, in other words, that the public’s legislative agenda produced the results that were being sought.

The criminal justice system is busy, with many millions of transactions taking place annually. Spending for criminal justice activities accounts for just over 3 cents of every dollar in public spending (about \$74 billion) — less than 1% of Federal spending, more than 6% of spending by the States, and nearly 7% of local spending. Overall spending at all levels of government for justice activities is about equal to spending on transportation and just below that spent by government on hospitals and health.

The annual total for State and local justice translates into about \$300 per capita of the nearly \$9,000 annual per capita spent by government. While municipal and county governments accounted for 53% of all justice spending, the States accounted for 34%, and the Federal government just under 13%.

From 1985 to 1990, corrections spending has grown faster and spending on police has grown slower than any other components of the justice system. The following compare the increases in per capita spending (in constant dollars) occurring between 1985 and 1990 to the increases in workload:

- Spending on police protection grew 8%, the number of Index crimes reported by law enforcement agencies increased 16%, and the number of arrests grew 19%
- Spending on corrections grew 48%, the overall corrections population increased 45%.

Example: Besides delivering what the public and their legislators demanded, criminal justice agencies have maintained the quality of services provided. Between 1984 and 1990, BJS data on State prisons show —

- about a 2% reduction in the average amount of housing space per inmate (from 57 square feet to 56 square feet)
- about a 4% improvement in staffing per inmate (from 2.8 inmates per staff member to 2.7 inmates per staff member)
 - ú the same percentage of prisons under court order to improve conditions of confinement or practices within the facility (24% of all prisons in both years)
- about twice the percentage of inmates involved in drug, alcohol, and personal counseling programs (14% versus 30%) and nearly 4 times the number of inmates in such programs on a single day (53,000 versus 193,000).

Example: BJS data can be used to evaluate the fairness with which the system is operating. Surveys conducted among representative samples of State prisoners in 1979, 1986, and 1991 reveal that while the offense composition has changed, with drug offenses accounting for more than twice the percentage of inmates in 1991 compared to earlier surveys, little has changed in the criminal histories of those confined. In all three surveys well over 9 out of 10 prisoners were either violent offenders or recidivists with prior sentences to confinement facilities or probation.

Research using a variety of sources including the National Crime Victimization Survey, the FBI data on arrests, and national prisoner surveys, has revealed that for personal contact crimes, the racial composition of offenders as identified by victims closely parallels the racial distribution of those arrested and sentenced to prison for the same crimes.

Data from recent national polls indicate that our citizens hold the criminal justice system in much lower esteem than they do most other public institutions. To operate a justice system

that is effective, efficient, and fair challenges us to think anew, examine, debate, and continuously measure and evaluate its practices. In the final analysis, how these measures are used to reduce the disparity between expectation and practice is fundamental to the credibility given to our collective ideal of justice.

Lawrence A. Greenfeld
Acting Director

Rethinking the Criminal Justice System: Toward a New Paradigm

By John J. DiIulio, Jr.

Overview: Beyond crime rates and recidivism rates

Rates of crime and recidivism have long served as critical measures for the performance of the Nation's criminal justice system. These measures represent the basic goals of public safety to which all components of the criminal justice system contribute. At the same time, however, rates of crime and recidivism are not the only, or necessarily the best, measures of what criminal justice institutions do.

Few police officers believe that their work solely determines crime rates in their jurisdiction. Few corrections officials believe that what they do chiefly determines recidivism rates. Likewise, most criminal court judges, prosecutors, public defenders, and other justice practitioners know from experience that the prevalence and severity of crime depend mainly on factors affecting individuals long before most are taken into custody. Most

justice practitioners understand that they can rarely do for their clients what parents, teachers, friends, neighbors, clergy, bio-genetic inheritances, or economic opportunities may have failed to do.¹

Still, crime rates and recidivism rates are meaningful overall measures of the system's performance in protecting public safety, and what justice practitioners do undoubtedly affects crime and recidivism rates. For example, a National Academy of Sciences panel concluded that rising imprisonment rates may have reduced crime rates in the Nation by 10% to 20%.² Furthermore, numerous studies refute the once-fashionable idea that "nothing works" in the rehabilitation of criminals, showing that, other things being equal, offenders who participate in certain types of institutional or community-based treatment programs are less likely to be repeat offenders than the nonparticipants.³ While no evidence indicates that mere increases in police on auto patrol cut crime rates, a growing body of evidence establishes that crime and disorder are less common in

¹As James Q. Wilson and Richard J. Herrnstein have observed, a keen knowledge of the constitutional and social factors that have been found to be associated with criminal behavior "rivet(s) our attention on the earliest stages of the life cycle, and reveals that "after all is said and done, the most serious offenders are boys who begin their delinquent careers at a very early age"; see Wilson and Herrnstein, *Crime and Human Nature* (New York: Simon and Shuster, 1985), pp. 508-509.

²Alfred Blumstein, et al., eds., *Criminal Careers and "Career Criminals"* (Washington, D.C.: National Academy Press, 1986), p. 6.

³For an overview, see John J. DiIulio, Jr., *No Escape: The Future of American Corrections* (New York: Basic Books, 1991), chapter 3.

neighborhoods where police get out of their cars and into regular contact with citizens.⁴

Unquestionably, the justice system affects crime and recidivism rates. As James Q. Wilson has commented, given “the elasticity of crime or recidivism rates to feasible changes in police or correctional practices, how much of a change in these rates can be obtained at a given cost in money, liberty, etc.? Surely the answer is some number greater than zero. If it were zero, then we could abolish arrests and prisons with no adverse effects on society. Clearly, that is not something we would be inclined to try. It is true that the prevalence and severity of crime in society do not depend mainly on what justice practitioners do. But the real question is: What feasible changes in what institutions and practices will make the largest marginal changes in crime rates? Judged that way, it may turn out that arrest or imprisonment rates have bigger effects on marginal rates than any feasible change in family or school practices, because what one can feasibly change in family or school practices turns out to be pretty trivial.”⁵

⁴For an overview, see Robert C. Trajanowicz and Bonnie Bucqueroux, *Community Policing: A Contemporary Perspective* (Cincinnati, Ohio: Anderson Publishing Company, 1990), and the monographs produced by Mark H. Moore of Harvard University’s John F. Kennedy School of Government, Program in Criminal Justice, *Perspectives on Policing* (Washington, D.C.: National Institute of Justice, June and November 1988), especially nos. 2, 3, 4, 5, and 9.

⁵James Q. Wilson, commentary on the draft of the first BJS-Princeton Discussion paper.

Toward a new paradigm

To evaluate the performance of police departments, correctional agencies, and other key components of the justice system exclusively in terms of crime rates and recidivism rates may cause observers to overlook other important contributions of the system's day-to-day performance and can obscure the role that average citizens play in promoting secure communities. A wide gap often exists between the general public's expectations for the justice system and what most justice practitioners recognize as the system's actual capacity to protect public well-being. This paper sketches an outline of a new paradigm encompassing the criminal justice system's history, vision, purposes, and measures. Four points of qualification, however, are in order.

First, this call for a new paradigm is not motivated by a desire to design performance measures that guarantee justice agency success. Rather, it represents an attempt

⁶The preliminary ideas for these sections were presented by several members of the Study Group at the BJS/Justice Research Statistics Association (JRSA) 1992 National Conference held in New Orleans, Louisiana, September 23-25, 1992. The Study Group wishes to thank those BJS/JSRA conference participants who identified the need for the points of clarification and qualification that follow, especially Dr. Timothy Car of the Georgia Department of Corrections, Professor George Cole of the University of Connecticut; Professor Robert Friedmann of Georgia State University; Professor Graeme Newman of the State University of New York at Albany; Dr. Sally Hillsman of the National Center for State Courts; and Professor Charles W. Thomas of the University of Florida. The Study Group's formal advisor, Professor James Q. Wilson of the University of California at Los Angeles, provided invaluable criticism of an earlier draft of this paper.

to develop realistic intermediate and long-range measures. Realistic measures account for the daily activities of justice agencies and for the constraints under which they normally operate. Realistic, however, does not mean easy to achieve. Indeed, the alternate measures presented in subsequent papers in this volume are measures according to which many justice institutions, programs, and practices now fail.

Second, better performance measures do not act like magnets for better ways of meeting goals. All performance measures have their limitations and may invite perverse and unintended administrative consequences. Still, justice practitioners probably can learn something about how to fashion and implement effective performance measures from the experiences of other organizations, public and private.

Third, a paradigm is broader than a theory. A theory is a statement about the relationship between two or more variables that is supposed to hold under specified conditions.⁷ A new paradigm orients general understanding to historical, empirical, or normative realities that a prevailing paradigm has arguably deemphasized, devalued, or simply ignored. In essence, to call for a new paradigm is to appeal for new concepts and categories of thinking about a given subject.

Fourth, crime rates and recidivism rates are indeed important measures of the system's performance, which ought to be continually used and refined. Even so, all citizens in a democracy are responsible to some degree for the way in which society addresses the problem of crime. In addition,

⁷For a brief discussion of theory, see DiIulio, *No Escape*, pp. 213-225.

justice agencies serve the public in myriad ways that are indirectly related to crime control goals, and society should devise and implement performance measures that respect this reality.

History: Multiple, vague, and contradictory purposes

The history of the American criminal justice system is a history of swings in public mood. Americans have long been ambivalent about the purposes of criminal justice.⁸ Among other things, they have wanted a criminal justice system that apprehends and visits harm upon the guilty (*punishment*); makes offenders more virtuous, or at least more law abiding (*rehabilitation*); dissuades would-be offenders from criminal pursuits (*deterrence*); protects innocent citizens from being victimized by convicted criminals (*incapacitation*); and enables most criminals to return as productive citizens to the bosom of the free community (*reintegration*). They have wanted the system to achieve these contradictory public goals without violating the public conscience (*humane treatment*), jeopardizing the public law (*constitutional rights*), emptying the public purse (*cost containment*), or weakening the tradition of State and local public administration (*federalism*).

Because the competing public expectations cannot be easily met all at once, first one and then another dominate public attention. Justice policymakers and practitioners have

⁸Portions of this section are drawn from John J. DiIulio, Jr., "Crime," in Henry J. Aaron and Charles Schultze, eds., *Setting Domestic Priorities: What Can Government Do?* (Washington, D.C.: Brookings Institution, 1992), chapter 4.

generally allowed the institutional and programmatic pendulum to swing with the public mood between different approaches to crime prevention and control.⁹

For example, between 1967 and 1992, the Federal Government fought two very different wars on crime. The first war (1967-80) was against poverty; the second (1980-92) was against criminals. In the first war the social and economic “root causes” of crime were attacked; in the second war the likelihood that criminals would be detected, arrested, prosecuted, convicted, and incarcerated was increased. The chief strategists in the first war were persons who believed that the Federal Government should play a central role in crime control. They emphasized the goals of offender rehabilitation, reintegration, humane treatment, and constitutional rights. The chief strategists in the second war were persons who believed that law enforcement was primarily a State and local responsibility. They emphasized the goals of punishment, deterrence, cost containment, and federalism.

Some justice practitioners have coped fairly successfully with such shifts in public sentiment, but many have not.

⁹ As William G. Mayer has shown, between 1960 and 1965, public opinion on crime and punishment became more liberal, and between 1965 and 1988 it became increasingly conservative; see Mayer, “Shifting Sands of Public Opinion: Is Liberalism Back?,” *The Public Interest*, no. 107 (Spring 1992), pp. 3-17. Mayer’s analysis concurs well with trends in criminal justice program administration such as the rise, decline, and , in many jurisdictions, official or de facto abolition of paroling authorities. On parole, see Edward E. Rhine, William R. Smith, and Ronald W. Jackson, *Paroling Authorities: Recent History and Current Practice* (Laurel, MD: American Correctional Association, 1991).

Despite the conflicting and changeful public demands on them, some police commissioners have been able to “make themselves accountable to the public by defining their purposes in broad terms and then by trying to keep their own actions, and the actions of their organizations, consistent with these broad purposes.”¹⁰ Similarly, some corrections commissioners have coped well by means of “a creative capacity to translate broad societal expectations and policy decrees into administrative action.”¹¹ Yet, the fact remains that these swings in public mood and policy have fostered administrative instability, frustrated long-term planning, and bred bureaucratic norms that insulate practitioners from what they sometimes view as a fickle, generally unappreciative, and often hostile public.

Democratic vision: Citizens as co-producers of justice

In the light of this history, a moderating, democratic vision of the justice system’s public purposes and limitations is both necessary and desirable. Such a vision emerges from the realization that all citizens have the right and the responsibility to participate in the system. Citizens are co-producers of justice.¹² The ability of justice practitioners

¹⁰Mark H. Moore, “Police Leadership: The Impossible Dream,” in Erwin C. Hargrove and John C. Glidewell, eds., *Impossible Jobs in Public Management* (Lawrence, KS: University Press of Kansas, 1990) p. 98.

¹¹John J. DiIulio, Jr., “Managing a Barbed-Wire Bureaucracy: The Impossible Job of the Corrections Commissioner,” in Hargrove and Glidewell, *Impossible Jobs*, p. 67.

¹²The phrase was suggested by the Study Group’s Professor Mark H. Moore of the Kennedy School of Government, Harvard University.

to do their daily work depends on the cooperation and support of citizens who are formally “outside” the system — a citizen willing to testify against a violent drug dealer; a community group that trusts and assists the police; relatives, friends, and employers who help to keep a community-based offender on the straight-and-narrow. Citizens, not judges, prosecutors, law enforcement officers, or corrections officials, are primarily responsible for the quality of life in their communities, including the prevalence and severity of crime within them.

As many honest friends of democracy have argued down through the ages, democratic citizens are wont to hold everyone but themselves accountable for public problems and to become impatient when facile solutions do not produce immediate results.¹³ Citizens in a democracy must begin by holding themselves and their neighbors accountable for public affairs. A democratic vision of the justice system, therefore, is anything but a sop to public frustrations with crime and disorder. Citizens who expect judges, police, and other justice officials to solve society’s crime problems are unrealistic; citizens should not expect the officials to succeed without the active cooperation and support of the community.

¹³For example, see Alexis de Tocqueville, *Democracy in America*, ed. Phillips Bradley, vol. 2 (New York: Vintage Books, 1945), and Walter Lippmann, *Essays on The Public Philosophy* (Boston: Little, Brown and Company, 1955).

Criminal-justice purposes: Four civic ideals

This democratic vision supplies a rationale for identifying the major purposes of the system in terms of four civic ideals:

- (1) Doing justice,
- (2) Promoting secure communities,
- (3) Restoring crime victims, and
- (4) Promoting noncriminal options.

Justice can be defined as the quality of treating individuals according to their civic rights and in ways that they deserve to be treated by virtue of relevant conduct. Criminal justice is rights-respecting treatment that is deserved by virtue of criminal conduct as judged by the rule of law.¹⁴ Thus, *doing justice* implies at least four things: hold offenders fully accountable for their offenses, protect offenders' constitutional and legal rights, treat like offenses alike, and take into account relevant differences among offenders and offenses.

Promoting secure communities means more than to achieve low crime rates. Rather, it means providing the security to life, liberty, and property that is necessary for communities to flourish. It means enabling citizens to pursue their collective life as they see fit without undue fear of having that life disrupted or destroyed. It means securing communities against criminals who assault, rape, rob, defraud, deal drugs, burglarize, extort, and murder, but it also means securing them against the community-sapping disorders that are commonly associated with crime and the

¹⁴This definition of criminal justice was suggested by the Study Group's Professor Charles H. Logan of the University of Connecticut.

fear of crime — disorders such as petty crime, public drunkenness, aggressive panhandling, loitering, graffiti, abandoned cars, broken windows, and abandoned buildings.¹⁵

Restoring victims means to honor the community's obligation to make victims of crime and disorder whole again. The victims' rights organizations, manifestos, and laws that have proliferated over the last decade or so generally reflect and embody this long-overlooked goal.¹⁶ Victims of crime have a special claim upon the criminal-justice system's human and financial resources. Whatever else it may achieve, no system that dishonors that claim can be considered legitimate.

Finally, promoting noncriminal options means that punishment for criminal behavior should interfere as little as possible with the pursuit of noncriminal behavior. Even

¹⁵ A fine treatment of the relationship between disorder, crime, and the fear of crime can be found in Wesley G. Skogan, *Disorder and Decline: Crime and the Spiral of Decay in American Neighborhoods* (Berkeley and Los Angeles: University of California Press, 1990). Also see the following: George L. Kelling, "Measuring What Matters," *The City Journal*, Spring 1992:21-33; James Q. Wilson and George L. Kelling, "Police and Neighborhood Safety: Broken Windows," *Atlantic Monthly*, March 1982, pp. 29-38; and James Q. Wilson and John J. DiIulio, Jr., "Crackdown: Saving the Next Generation From the Drug-and-Crime Epidemic," *New Republic*, July 10, 1989, pp. 21-25.

¹⁶ Knowledge about the physical pains, psychological traumas, and economic losses suffered by victims of crime, their families and friends, and the public remains shallow but is increasing. For a serviceable overview, see Albert R. Roberts, ed., *Helping Crime Victims: Research, Policy, and Practice* (Newbury Park, Calif.: Sage Publications, 1990.)

in prison, offenders should have at least some opportunity to engage in meaningful, constructive, and legitimate activities. Nor should government impose arbitrary restrictions on employment or other legitimate activities by convicted offenders except where justified as a form of punishment or where public safety is at risk. This is not to say that society has any greater obligation toward the betterment of offenders than it owes to nonoffenders. It is not even to say that government has an obligation toward the betterment of offenders and nonoffenders alike. But one function of government is to promote (not necessarily to provide) legitimate opportunities and to facilitate (not necessarily to require or directly to reward) their pursuit.

Realistic performance measures

These four civic purposes point beyond crime rates and recidivism rates and toward more realistic ways of measuring the performance of justice institutions, programs, and practices. By no means is this the first call for such measures. During both of the Federal wars on crime from the 1960's through the 1980's, a number of well-intentioned efforts were made to rethink the measures commonly used to evaluate the system's performance. (See *Selected sources of measurement topics*, p. 17.) Few of these efforts moved much beyond a rehashing of such concepts as crime rates and recidivism rates, and none had a wide or lasting impact on the field. In conjunction with his work on the Study Group, Logan has developed a set of performance measures for secure correctional institutions.

The measures Logan proposes for prisons and jails have the virtue of not asking criminal justice institutions to do what other social institutions are more responsible for doing and in many cases what other social institutions have failed to do. They do not, for example, ask our corrections officials to somehow “correct the incorrigible, rehabilitate the wretched, deter the determined, restrain the dangerous, and punish the wicked.”¹⁷ But they do demand that, with the human and financial resources that society has provided, and with the requisite support of other social institutions, the officials must “keep prisoners — keep them in, keep them safe, keep them in line, keep them healthy, and keep them busy — and do it with fairness, without undue suffering, and as efficiently as possible.”¹⁸ That alone is asking a great deal, but it is not asking too much.

By the same token, it makes little sense to measure police performance in terms of crime or arrest rates. Geoffrey P. Alpert and Mark H. Moore have developed an expanded range of policing measures. In anticipation of their contribution, it is worth highlighting George L. Kelling’s recent article, “Measuring What Matters: A New Way of Thinking About Crime and Public Order.” After documenting that the New York City Police Department has been doing quite well in relation to such conventional measures as crime rates, arrest rates, emergency response times, and incidence of corruption, Kelling keenly observes:

¹⁷ Charles H. Logan, “Criminal Justice Performance Measures For Prisons,” *Performance Measures for the Criminal Justice System*, BJS-Princeton Discussion Papers, p. 23.

¹⁸ Logan, “Criminal Justice Performance Measures,” p. 25.

But New Yorkers are not the least bit reassured by these statistical and relative achievements.... These formal measures of police work have little to do with community needs.... [A] significant reason disorder has been ignored is that professional criminal justice ideology narrowly defines the appropriate business of police and criminal justice agencies as dealing with serious crime — that is, index crimes. Crime response, and arrest statistics, form a pillar of that ideology. Disorder does not appear in any FBI index; therefore, it has not been a priority.¹⁹

Conclusion: Toward a new paradigm?

Is it possible for justice officials to develop, implement, and organize themselves around performance measures that go beyond conventional measures such as rates of crime and recidivism? And can this be done for all components of the system — courts, prosecutors' offices, police departments, institutional corrections, community-based corrections?

The papers that follow in this compendium will tackle these questions and offer specific, detailed proposals for new measures consistent with the historical understanding, democratic vision, and civic purposes outlined above. In addition, they spell out the practical and policy implications of adopting the new paradigm and spotlight its implications for how agencies allocate resources, conduct program evaluations, and so on.

It is worth noting that many of the most successful major corporations use multiple performance measures that give

¹⁹ Kelling, "Measuring What Matters, pp. 21-22.

tremendous weight to “soft” indicators along with sales reports, inventory records, and other “hard” financial data. For example, McDonald’s Corporation has measured performance not simply by the conventional bottom line of profits, but by a dozen or so measures that roving teams of inspectors apply — Are the floors clean? Are the salt shakers full? Are the cashiers greeting customers and wearing their uniforms correctly? and so on. McDonald’s recognized that the profits made by their stores were conditioned by economic and other factors over which their franchisees had little or no direct control. But the store owners, managers, and staff could be and are held strictly accountable for other factors that might affect business.²⁰

Likewise, over the last decade, the United States military has made great strides in developing reasonable and realistic measures of combat readiness and combat effectiveness. Prodded by government and private studies that found a need for improvements in military planning, and in the areas of weapons acquisition, combat training, and force deployment, each branch of the military responded by revamping certain of its strategic doctrines and practices, and by getting away from simple “bean-counting” measures. While many improvements have yet to be made, the military has begun to think about new and better ways of linking its national security mission to meaningful performance standards and objectives.²¹

²⁰David C. Rickert, *McDonald’s Corporation* (condensed), Harvard Business School, revised February 1982.

²¹For interesting examples that related to defense acquisition programs, see Glenn A. Kent, *A Framework for Defense Planning* (Santa Monica, Calif.: RAND, August 1989), and Glenn A. Kent and William E. Simons, *A Framework for Enhancing Operational Capabilities* (Santa Monica, Calif.: RAND, 1991).

The performance measurement lesson that much of corporate America and the American military have learned is one that the American justice system can also apply. Crime rates, recidivism rates, and other conventional bottom-line measures must have better grounding in community needs and must be joined to a realistic set of performance standards. The Study Group hopes to provide a gentle, democratic shove in that direction, and to get policymakers, practitioners, analysts, activists, and interested citizens thinking and debating toward a new paradigm of the American justice system.

About the author

John J. DiIulio, Jr., is Professor of Politics and Public Affairs at Princeton University and nonresident Senior Fellow at the Brookings Institution. He served as founding director of Princeton's Center of Domestic and Comparative Policy Studies. He is a member of the National Commission on State and Local Public Service and served as an advisor to the National Performance Review. His most recent book is *Improving Government Performance: An Owner's Manual* (Brookings, 1993).

Selected sources of measurement topics

Gordon P. Whitaker, Stephen Mastrofski, Elinor Ostrom, Roger B. Parks, and Stephen L. Percy, *Basic Issues in Police Performance*, National Institute of Justice, July 1982.

Joan E. Jacoby, *Basic Issues in Prosecution and Public Defender Performance*, National Institute of Justice, July 1982.

Thomas J. Cook and Ronald W. Johnson, with Ellen Fried, John Gross, Mary Wagner, and James Eisenstein, *Basic Issues in Courts Performance*, National Institute of Justice, July 1982.

Gloria Grizzle, Jeffrey S. Bass, J. Thomas McEwen, Deborah M. Galvin, Ann G. Jones, Harriet D. Mowitt, and Ann D. Witte, *Basic Issues in Corrections Performance*, National Institute of Justice, July 1982.

Martha R. Burt, *Measuring Prison Results: Ways to Monitor and Evaluate Corrections Performance*, National Institute of Justice, June 1981.

Sorrel Wildhorn, Marvin Lavin, and Anthony Pascal, *Indicators of Justice: Measuring the Performance of Prosecution, Defense, and Court Agencies Involved in Felony Proceedings; A Guide to Practitioners*, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, May 1977.

Sorrel Wildhorn, Marvin Lavin, Anthony Pascal, Sandra Berry, and Stephen Klein, *Indicators of Justice: Measuring the Performance of Prosecution, Defense, and Court Agencies Involved in Felony Proceedings; Analysis and Demonstration*, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, May 1977.

Jack D. Reynolds, *Performance Measurement in Probation and Parole*, Washington, D.C.: University Research Corporation, 1979.

Benjamin H. Renshaw, *A Recommended Set of Indicators for Evaluating the Performance of the Philadelphia Criminal Justice System*. Philadelphia: Government Studies & Systems, Inc., 1971.

Criminal Justice Performance Measures for Prisons

by Charles H. Logan

This is the second in a series of papers on how to measure and evaluate the performance of various agencies within the American criminal justice system. The first paper argued the need for new criminal justice performance measures in addition to such conventional ones as crime rates, arrest rates, and recidivism rates. This paper extends that argument and applies it to prisons. It starts with a very brief and general definition of criminal justice from a retributive (or “just deserts”) perspective. Such a perspective is rights-based rather than utilitarian, which implies that evaluative indicators and measures of criminal justice should focus more on the satisfaction of certain standards, values, and constraints than on the production of particular consequences. In Herbert Packer’s terms, they

¹John J. DiIulio, Jr., *Rethinking the Criminal Justice System: Toward a New Paradigm*, BJS Discussion Paper, NCJ-139670 (Washington, D.C.: Bureau of Justice Statistics, 1993).

should focus more on the “Due-Process Model” than on the “Crime Control Model” of criminal justice.² The paper will then outline the “confinement model” of imprisonment, which rests on a normative statement of mission for a prison or prison system. Finally, the paper will offer a set of empirical indicators that can be used as performance measures for prisons and that concentrate on the competent, fair, and efficient administration of confinement as a form of deserved punishment. While based on the deserts theory of criminal justice, these measures will be seen to be at least somewhat sensitive also to such goal-based concerns as rehabilitation of inmates and protection of society, albeit for reasons independent of those utilitarian justifications of imprisonment.

What is criminal justice?

Justice is the quality of treating individuals according to their rights and in ways that they deserve to be treated by virtue of relevant conduct. Criminal justice is rights-respecting treatment that is deserved by virtue of criminal conduct.

This definition of justice is rights-based, rather than utilitarian or consequentialist. A rights-based theory of justice gives a central role to punishment as a morally necessary response to the violation of rights. To believe in rights is to believe in duties; those are alternative statements of the same concept. To believe in duties is to accept, implicitly but of logical necessity, the corollary of punishment. When we say that people have a duty

²Herbert L. Packer, *The Limits of the Criminal Sanction* (Stanford University Press, 1968).

to refrain from violating the rights of others, we are saying that there must be some sanction if they fail to meet that duty. Duties are given meaning by the consequences that attach to their nonfulfillment. Thus, the meaning of a duty, like that of any other norm, must be socially constructed through the attachment of sanctions to behavior. A norm (a rule, a law, a duty, a right) that had no sanction attached to its violation would be empty and without meaning.

Justice by this definition is backward-looking. It requires that we treat people according to what they have done, not what they (or others!) might do in the future as a result of how we treat them now. Justice requires that all persons, including offenders, be treated as autonomous and responsible actors and as ends in themselves, not as means to social ends.

Finally, a rights-based theory sees justice as a process, an ongoing property of criminal sanctioning as it occurs, not as an expected outcome. Criminal justice is thus a value in itself and not merely useful as a means to some other end. Sanctioning that is evaluated as to its justice or injustice may, *in addition*, be evaluated in terms of its consequences for other values, such as freedom, order, happiness, wealth, or welfare, but those are separate concerns. This means that questions about the effectiveness or efficiency of the criminal justice system in achieving various “goals” or “purposes” should be kept separate from, and secondary to, an evaluation of the performance of the justice system in its most basic mission: doing justice.³

³ Again, however, the measures of justice to be derived here from a normative and nonutilitarian model will be seen to overlap considerably with measures that might be derived independently from a utilitarian model.

The nonutilitarian concept of prison performance

To date, most evaluation research on prisons has focused on utilitarian questions. What are the goals of imprisonment? To what extent and at what cost are they achieved? How does imprisonment compare to alternatives in these respects? If we want evaluations of prison performance that are based on a normative rather than a utilitarian view of criminal justice, we need to reframe our question. We might ask, for example, “To what values do prisons commit themselves in their mission statements, and how well do they live up to those values?”

Social scientists are not comfortable with the idea of applying the tools of measurement directly to questions of value. That’s why criminologists are attracted to utilitarianism, because it allows them to treat evaluative research on prisons as if it were a purely objective, scientific enterprise. In contrast, a court-appointed special master, who is usually a lawyer rather than a social scientist, evaluates a prison mostly from a formalistic rather than a utilitarian perspective. That is, the prison and its activities are examined not as means to an end (rehabilitation or crime control) but in terms of standards and criteria of “proper” performance, or conduct in fulfillment of duty. Consider this statement by a prominent prison master:⁴

In summary, the ideal prison provides basic human services in a decent and healthful physical environment. Such a prison abjures idleness and its consequent human

⁴Vincent M. Nathan, “Correctional Health Care: The Perspective of a Special Master,” *The Prison Journal*, vol. 65, No. 1 (Spring-Summer, 1985), pp. 73-82, at p. 76.

deterioration by offering constructive employment, programming, and recreational activities to the greatest extent possible; it addresses the human needs of prisoners for self-expression, faith, and maintenance of ties of importance to all human beings; it ensures safety from random violence, rape, and exploitation of the weak by the strong; it insulates decisions affecting the lives of prisoners from arbitrary chaos by adhering to due process of law; and it infuses the institutional environment with constructive expectations through use of positive incentives for hard work and good behavior.

That is not a bad statement of the mission of a prison, and it is probably one with which most correctional officials could agree. The most important point to note here is that it does not focus on ultimate goals, such as treatment or punishment, but on a set of abstract values and normative criteria against which to evaluate the day-to-day operation of a prison.

A prison mission statement under the confinement model

We ask an awful lot of our prisons. We ask them to correct the incorrigible, rehabilitate the wretched, deter the determined, restrain the dangerous, and punish the wicked. We ask them to take over where other institutions of society have failed and to reinforce norms that have been violated and rejected. We ask them to pursue so many different and often incompatible goals that they seem virtually doomed to fail. Moreover, when we lay upon prisons the utilitarian goals of rehabilitation, deterrence, and incapacitation, we ask them to achieve results

primarily outside of prison, rather than inside.⁵ By focusing on external measures, we set prisons up to be judged on matters well beyond their direct sphere of influence.

If we do not want to set them up for failure, we must assign to prisons a function and a mission that we might reasonably expect them to fulfill. This mission ought to be fairly narrow and consistent in scope, and it ought to be special to prisons, rather than conflated with the functions of other social institutions such as schools or welfare agencies. It also ought to be achievable and measurable mostly within the prison itself.⁶ Finally, a prison's mission ought to have intrinsic, and not just instrumental, value. That is, it should identify activities that have value in themselves, when they meet certain standards and criteria of performance, not activities that have value only if, when, and because they are effective in achieving some further goal.

The prison mission statement proposed here is based on a “just deserts” theory of criminal justice, one that calls for a punitive and purely retributive (that is, a non-utilitarian) response to criminal conduct. Punishment under such a

⁵For each of these three goals, the principal measure of its achievement is the number of crimes avoided in the general community. This is true even of incapacitation, because that refers not to maintaining order within prisons but to avoiding the crimes that current prisoners might have continued to commit if they were not in custody. Incapacitation thus reflects much more the performance of the police, prosecutors, and judges who catch, select, and send offenders to prison than it does the performance of those who simply hold them there.

⁶This last requirement pretty much rules out crime control and rehabilitation, at least a criteria for evaluating the performance of particular prisons, if not as goals of imprisonment generally.

theory does not need to take the form of incarceration, but since this paper is about prison performance measures, I will narrow the theory down to what I call the “confinement model” of imprisonment.

Under the confinement model, *the essential purpose of imprisonment is to punish offenders — fairly and justly — through lengths of confinement proportionate to the gravity of their crimes.* Thus the term, “confinement model,” may be thought of as a shortened version of a clumsier but more explicit label: the “doing justice through confinement as a form of punishment model.”

The mission of a prison under the confinement model can be summarized quite succinctly:

The mission of a prison is to keep prisoners — to keep them in, keep them safe, keep them in line, keep them healthy, and keep them busy — and to do it with fairness, without undue suffering, and as efficiently as possible.

The confinement mission of prisons is not as narrow as it may seem at first, nor is it necessarily harsh or insensitive to the welfare of prisoners. It should be noted that under the confinement model offenders are sent to prison as punishment, not *for* punishment. It is not within the legitimate mission of a prison to attempt to *add to* (any more than to avoid or to compensate for) the pain and suffering inherent in being forcibly separated from civil society. Stated more positively, coercive confinement carries with it an obligation to meet the basic needs of prisoners at a reasonable standard of decency. Thus, measures of health care, safety, sanitation, nutrition, and other aspects of basic living conditions are relevant. Furthermore, confinement must meet constitutional

standards of fairness and due process, so it is not just the effectiveness and efficiency, but also the procedural justice with which confinement is imposed that is important. In addition, programmatic activities like education, recreation, and work can be seen as part of the conditions of confinement, regardless of their alleged effects on rehabilitation. In short, confinement is much more than just warehousing.

Under the confinement model, a prison does not have to justify itself as a tool of rehabilitation or crime control or any other instrumental purpose at which an army of critics will forever claim it to be a failure. It proclaims itself to be, first and foremost, an agent of justice, and not necessarily an agent of either individual or social change. It asks to be judged only on its performance in carrying out the sanction of confinement-as-punishment; the effectiveness of that sanction may be a valid and important question, but it is not relevant to the measurement of prison performance under the confinement model.

What, then, are the relevant criteria?

Prison performance criteria under the confinement model

It might seem that measuring prison performance within a confinement model would be fairly simple — and indeed it is more straightforward than attempting to measure the success of rehabilitation, deterrence, or incapacitation (let alone the net effects of imprisonment on all three of these in combination) — but it is by no means easy. Still, the confinement model does facilitate performance measurement, because it focuses less on the achievement of ultimate and abstract goals and more on the fulfillment

of delimited and immediate tasks. It shifts our attention away from hard-to-determine outcomes and toward more directly observable processes and adherence to measurable standards.

The confinement mission of a prison, as stated above, identifies eight distinct dimensions for prison performance measures: Security, Safety, Order, Care, Activity, Justice, Conditions, and Management. Each of these dimensions will be discussed briefly.

1. **Security** (“keep them in”). A secure facility is one that is impervious in either direction, outward or inward. Escapes are an obvious indicator of a lack of security, but inward penetration, of drugs or other contraband, also represents a breakdown of external security. Internal security would include control over movement of prisoners within the prison and control over internal movement of contraband, such as food or silverware from the dining hall, drugs from the infirmary, or tools from workshops.

2. **Safety** (“keep them safe”). Inmates and staff need to be kept safe, not only from each other but from various environmental hazards as well. Thus, measures of safety would include assault statistics, safety inspection results, and accidental injury reports.

3. **Order** (“keep them in line”). Prisons run on rules, and the ability of prison administrators to enforce compliance is central to prison performance. Allowing for variation in the nature of their populations, it seems proper to evaluate prisons according to their ability to prevent disturbances, minimize inmate misconduct, and otherwise preserve order inside their walls.

4. **Care** (“keep them healthy”). I use the term “care” rather than “service” to cover the ministrations of such personnel as doctors, dentists, psychiatrists, psychologists, and dieticians. The distinction is primarily one of degree and entitlement. Convicts are entitled only to a very basic, minimal level of personal care consistent with the principle that it is not the purpose of imprisonment to *inflict* physical suffering. At a minimum, prisons have an obligation to try to prevent suicide, malnutrition, exposure to the elements, and the spread of contagious diseases. Beyond the level of very basic care, however, the simple fact of confinement does not entitle convicts to levels of service or to degrees of personal welfare that exceed what they are able to obtain with their own resources. Therefore, when rating prisons on this dimension an evaluator might choose not to make distinctions beyond a certain level.

5. **Activity** (“keep them busy”). When evaluating prisons under a rehabilitation model, heavy emphasis is usually given to inmate programs; under a confinement model, programs are still relevant, but on a different basis. Programs can be classified into five different types: work, training, education, recreation, and therapy. All five types are relevant under a confinement model but in each case any rehabilitative effect a program might have is not directly relevant to its evaluation. Therapeutic programs are so closely associated with the rehabilitative ideal that they are difficult to recast in terms of the confinement model. They can, however, be offered as a form of “care,” and evaluated according to the principles discussed under that dimension. Programs of the other three types should be judged according to how much opportunity they provide inmates to engage in constructive activity or enterprise.

“Constructive” activity is not defined here as “contributing to the betterment of inmates” but as activity that is, on its

face, consistent with the orderly, safe, secure, and humane operation of a prison. Idleness and boredom can be seen as wrong in themselves, from a work ethic standpoint, or as so fundamentally related to mischief as to be undesirable for that reason. Either way, prison programs of work, training, and education should be evaluated under the confinement model as forms of constructive activity and as antidotes to idleness, not as methods of rehabilitation.⁷

Under a rehabilitation model, work, education, and training are seen as benefits that are offered to prisoners, or even forced upon them, in the hope that this will make them better and more law-abiding citizens. Under the confinement model, work, education, and training are not benefits; they are opportunities, available to prisoners who are willing to make productive use of them. Ideally, prisons would have, or would fit into, an economy in which inmates could earn money by producing goods and performing services having real value. Inmates might then seek education and training, not to impress a parole board or a prison counselor, but to be able to perform a more valuable and higher paying job.

⁷While a confinement model may sometimes be in conflict with a rehabilitation model, it is not necessarily so. In the confinement model, it is desirable to keep inmates constructively busy, quite apart from the question of whether that does them any rehabilitative good. That does not mean, however, that it does not matter from some other perspective whether the programs have any rehabilitative effect. It would very nice if the prison programs had rehabilitative effects. However, when we say that the primary purpose of prison is to punish through confinement, we become more interested in the operation of these programs inside the prison gates and less concerned about their effects beyond.

The availability of opportunities for education and employment should offset some of the austerity of a prison organized around a strict confinement model. However, amenities, privileges, and benefits that might be justified under a rehabilitation model as a worthwhile investment of taxpayers' money should not be provided free to prisoners under a confinement model. Any social benefits that are guaranteed to all citizens should be provided to prisoners as well (within limits imposed by security needs), but beyond that prisoners would have to earn or purchase them at their own expense. Examples would include higher education, entertainment, and medical, dental, or psychological services beyond the minimal levels entailed in the confinement model.

Some people believe that constructive activity should be more than just an opportunity available to inmates; it should be a prisoner's obligation as well. Offenders, in this view, should be held financially as well as morally responsible for their crimes and their imprisonment. Thus, prisoners should be required to work, to make restitution to their victims, to support their families, and to pay something toward the cost of their incarceration. Financial responsibility is not inconsistent with the confinement model, and could therefore be included under the dimension of activity. However, it is independent of, rather than integral to, a prison's primary mission of confinement-as-punishment.

6. **Justice** ("do it with fairness"). In measuring the performance of justice within prisons, the propriety of the sentence may be taken for granted; what remains to be judged is the fairness with which the sentence is administered. Stated more broadly, governing with justice requires adherence to the rule of law inside prisons just as it does on the outside. Rules ("laws") must be clear,

sanctions for their violation must be specified in advance and applied consistently, enforcement and adjudication must follow due process, and there should be provisions for independent review of decisions. Relevant to this dimension would be procedures and practices in imposing discipline and allocating good time, grievance procedures, availability of and access to legal resources, and inmate perceptions of the fairness and legitimacy of rules and their enforcement.

7. **Conditions** (“without undue suffering”). A confinement model obviously requires some evaluation of the conditions of confinement. This broad term would include such things as population density, food, clothing, bedding, noise, light, air circulation and quality, temperature, sanitation, recreation, visitation, and communication with the outside. As with the dimension of “care,” evaluation of living conditions and quality of life should not be completely linear (the more the better, without limits). In principle, this dimension is curved, so that differences imply improvements at the lower end but have declining or even negative merit (“too good for them”) above some higher point. Most prisons today, however, probably lie along the middle range of this dimension, where comparison can be linear.

8. **Management** (“as efficiently as possible”). Quality of management is probably the single most important source of variation in the first 7 dimensions of quality of confinement. As such, there may be some redundancy in evaluating management as, itself, a separate component of prison performance. However, it is better to over-measure than to under-measure, and many management variables bear a strong enough presumptive relationship to overall quality of institutional operation that they can be used as indicators of otherwise hard to measure concepts.

For example, such management-related variables as staff morale, absenteeism, and turnover are visible reflections of institutional stress and tension. Training levels may be both a cause of quality (through increased staff competence) and a result of quality (as a product of institutional concern with proper procedure in treatment and discipline of inmates). Thus, various sorts of management information can be used as a measure as well as an explanation of confinement quality. Good management is also a legitimate end in itself. The public has an interest in seeing that the money it spends on imprisonment is not wasted, through over-staffing, high turnover, or other management-related problems.

These eight dimensions — security, safety, order, care, activity, justice, conditions, and management — are appropriate concerns of prison professionals under the confinement model of imprisonment, and therefore constitute relevant focal points when measuring prison performance. Moreover, they are relatively precise concepts susceptible to operationalization and empirical measurement. First, however, each dimension must be divided into its component parts, or subdimensions.

Subdimensions and empirical indicators

The eight dimensions of prison performance described above are not directly measurable in themselves. As abstract concepts, they must eventually be linked to more concrete and observable indicators before they can be transformed into performance *measures*. A first step in that direction is to break each of the eight general concepts down into an associated set of more specific subdimensions, as shown in Figure 1. These subdimensions can be defined operationally by linking them to relevant empirical indicators drawn from two types and sources of data: institutional records and surveys of staff and inmates.

⁸Field observations would be a third type and source of data. They are not discussed here because they are better suited to an intensive case study than to the systematic, comparative style of performance evaluation contemplated in this essay.

Figure 1. Prison performance measures based on staff and inmate surveys and institutional records

Security	Justice
Security procedures	Staff fairness
Drug use	Limited use of force
Significant incidents	Grievances, number and type
Community exposure	The grievance process
Freedom of movement	The discipline process
Staffing adequacy	Legal resources and access
	Justice delays
Safety	Conditions
Safety of inmates	Space in living areas
Safety of staff	Social density and privacy
Dangerousness of inmates	Internal freedom
Safety of environment	of movement
Staffing adequacy	Facilities and maintenance
	Sanitation
Order	Noise
Inmate misconduct	Food
Staff use of force	Commissary
Perceived control	Visitation
Strictness of enforcement	Community access
	Management
Care	Job satisfaction
Stress and illness	Stress and burn-out
Health care delivered	Staff turnover
Dental care	Staff and management
Counseling	relations
Staffing for programs and services	Staff experience
	Education
Activity	Training
Involvement in and evaluation of:	Salary and overtime
Work and industry	Staffing efficiency
Education and training	
Recreation	
Religious services	

institutional records data can be drawn from such sources as the following:

- Significant incident logs
- Disciplinary logs and files
- Grievance logs and files
- Inmate employment records
- Education records
- Health clinic logs
- Psychologist logs
- Personnel records

Most prisons maintain records like these and should be able to retrieve and calculate summary information from them on a periodic basis. The Bureau of Justice Statistics conducts a complete, nationwide census of all prisons and jails every 5 years. The form used for this census requests information on facility characteristics, court orders or consent decrees, inmate population size and characteristics, housing confinement space, inmate education and work assignments, counseling and other programs, furloughs, staff characteristics by function and payroll category, inmate medical facilities and HIV testing, inmate deaths, and major incidents during the last year. For the 1990 prison census there was an additional set of questions on inmate drug use, interdiction methods such as drug screening for inmates and staff, and treatment programs. Ideally, the data collected through these censuses would allow researchers to construct performance measures for comparing prisons both cross-sectionally and through time. Unfortunately, respondent burden makes it difficult to expand the BJS census forms to address more of these issues in depth, at least as the forms are administered to all facilities. It might be feasible, however, to extend the data collection effort for a limited sample of prisons. Examples of performance measures based on institutional records are

offered in an appendix to this paper. Many of them could be derived directly from questions already included on the BJS census form while others would require collecting additional data.

Surveys of staff and inmates can be more costly than a census of facilities, but they have the advantage of being able to generate a far greater range of performance measures. Since the Bureau of Justice Statistics also does national surveys of prison and jail inmates, in addition to the facility census, it might be feasible for those surveys to include questions aimed at constructing performance measures. The Bureau of Prisons has developed what it calls the Prison Social Climate Survey (PSCS) to gather information useful in the management of its facilities. This survey is administered to staff at half of the Bureau's prisons every 6 months and there is a parallel version of the survey for inmates, though it is rarely used. The PSCS includes questions in four areas:

1. *Personal safety and security*, which asks about the safety of staff and inmates; incidence of assaults, gang activity, and use of weapons; dangerousness of inmates; use of force; security procedures; and degrees of control on different shifts.
2. *Quality of life*, which asks about sanitation, crowding, turnover, privacy, noise, and grievance procedures.
3. *Personal well-being*, which asks about emotional and physical health and symptoms of stress.
4. *Work environment*, which includes questions on management effectiveness, job satisfaction, employee morale, adequacy of staff training, and relations with inmates.

The inmate version of the PSCS also covers the first three areas, but in place of *Work environment* it has a *Services and programs* section asking about medical care, counseling, education, recreation, work, and religious programs. Elsewhere, it has questions on staff competence, attitudes, and interactions; on the discipline process; and on aspects of living conditions beyond those asked also of staff.

Most questions in the PSCS ask the respondent to answer in terms of conditions prevailing during the last 6 months, so that repeated surveys can be used to map changes through time. The numerous questions cover all of the dimensions of prison performance and quality identified in this paper, albeit some dimensions more thoroughly than others. Many of the survey-based indicators listed in the appendix are taken from the staff and inmate versions of the PSCS.

Significantly, this paper's eight conceptual dimensions of prison performance, and the prison mission statement that underlies them, were inspired in major part by analyzing the management concerns of the Bureau of Prisons as revealed in its Prison Social Climate Survey. That the dimensions and measures of prison performance recommended here should come from observing the *self-imposed* tasks, standards, and evaluation criteria of a well-regarded prison system is consistent with the primary theme of this essay: Prisons should be evaluated according to that which it is reasonable and realistic to regard as being within their sphere of influence, competence, and accountability.

Introducing an instrument for prison performance measurement

The final section of this paper is the Appendix, p. 42. It presents an organized set of empirical indicators that could be used as performance measures for prisons. These indicators are grouped into the eight dimensions that have been identified as relevant to prison performance and quality under a confinement model of imprisonment. Within each dimension, the indicators are further organized according to subdimensions, and the indicators based on official records are distinguished visually (by the use of italics) from those that are based on survey instruments. This set of performance measures has not been tested for validity, reliability, internal consistency, scalability, predictive weighting, discrimination, or other statistical properties, and has been used, in its current form, in only one study.⁹ What the indicators have to recommend them for further study is not so much their current methodological quality as the fact that they are based on a clear conceptual model.

In concluding this paper, a few caveats on the application of these measures may be in order. First, the indicators are offered here without any instructions for coding, scoring, combining into scales, or interpreting results. The intent of this paper is to offer some grounded and specific criteria and empirical indicators for evaluating prison performance,

⁹Charles H. Logan, *Well Kept: Comparing Quality of Confinement in a Public and Private Prison* (Washington, D.C.: National Institute of Justice, 1991). The Prison Social Climate Survey, on the other hand, has been tested for statistical qualities, refined, and used in various research projects conducted by the Office of Research and Evaluation of the Federal Bureau of Prisons.

but not to prejudge the question of just what standards should differentiate good, fair, or poor performance. Indeed, such standards probably cannot be articulated in abstract or absolute terms. Rather, prison performance should generally be viewed as a relative or comparative matter, and preferably within contexts that hold constant or adjust for such factors as the population type, security level, or other characteristics of the prisons being compared. In any case, the most important thing in developing performance measures is not the choice of cutting points to use as standards (such as 60 versus 58 square feet per cell), but the choice of the criteria themselves (such as space per inmate in living areas). It is by choosing the criteria for evaluating performance that we structure incentives and thus shape the behavior we wish to evaluate and, ultimately, improve.

Second, as suggested by the large number of indicators in the Appendix, the concept of prison performance is complex and multi-dimensional. No single indicator, nor even any small subset of indicators, should be taken too seriously by itself. Multiple indicators are required to capture the many tradeoffs that must be made between the various and sometimes conflicting criteria of quality in the operation of a prison. Since no organization can maximize all values at once, the more criteria and indicators we use, the more accurately we can reflect the total pattern of an institution's strengths and weaknesses. Moreover, some indicators must be viewed in conjunction with others in order to be interpreted fully. For example, data on the frequency of shakedowns must be combined with measures of inmate grievances, drug use, and amounts of contraband found, in order to say whether those shakedowns amount to harassing inmates, engaging in needless ritualism, or doing what is necessary to interdict illicit traffic. Indicators taken separately will always produce errors of measurement and

interpretation. Using large numbers of indicators helps to smooth out and counterbalance these errors, so that an overall pattern of findings will be more reliable and meaningful than the results of any of the individual indicators alone.

Third, note that some indicators are used multiple times, to measure different concepts, sometimes with conflicting results. For example, freedom of movement for inmates is a negative indicator on the dimension of Security, but a positive indicator on the dimension of Conditions. That sort of ambiguity is a fact of life, so it is valid to include measures that are scored both positively and negatively, on different dimensions. More troublesome are indicators that can be interpreted either positively or negatively within the same dimension. Many potential indicators were discarded during the process of constructing the set of measures found in the Appendix because opposing interpretations seemed equally plausible. Even after that culling process, however, some of the remaining indicators can be interpreted, at least arguably, in either a positive or a negative direction. There is no way to avoid that problem completely. To restrict oneself to indicators that are absolutely clear and unambiguous would produce very limited and uninteresting reports. A better solution is to report findings in detail, thus allowing others to make differing interpretations, and to search for patterns rather than relying very much on single indicators.

Finally, it may be noted that some of the indicators are “harder” and some “softer” than others. Most of the indicators based on official records produce relatively objective, factual, and verifiable data, while the indicators based on inmate and staff surveys are more subjective and perceptual. Researchers should be sensitive to the need to look for conflicting results (for example, between staff and

inmate perceptions), should try to use the “harder” indicators to corroborate the “softer” indicators, and may wish to consider weighting some indicators more heavily than others.

Appendix

Criminal Justice Performance Measures for Prisons

Italicized items are based on official records. Others are based on surveys of staff or inmates (or both, in which case the staff and inmate means are counted as separate indicators). “Rate per capita-6” means “divided by total number of inmates resident at some time during a 6-month reference period.” Scale values are omitted for all scale items (“rating of ...,” “perception of ...,” etc.).

Survey and *official record* measures of prison performance

Dimension 1: Security (“keep them in”)

A. General

1. Rating of how the building design affects surveillance of inmates

B. Security procedures (6-month period)

1. Perceived frequency of shakedowns in the living area
2. Perceived frequency of body searches
3. Proportion of staff who have observed:
 - a. Any consequential problems within the institution
 - b. Lax security
 - c. Poor assignment of staff
 - d. Inmate security violations
 - e. Staff ignoring inmate misconduct
 - f. Staff ignoring disturbances
 - g. Other problems

4. *Number of cell or bunk area shakedowns conducted in a 1-month period*
 - a. *Rate per inmate*
 - b. *Proportion finding contraband*
 5. *Number of urinalysis tests based on suspicion in a 1-month period*
 - a. *Rate per inmate*
 - b. *Proportion testing positive for opiates*
- C. Drug use (6-month period)
1. *Drug-related incidents, number and rate per capita-6*
 2. *Discipline reports related to drugs or contraband, number and rate per capita-6*
- D. Significant incidents (6-month period)
1. *Significant incidents, total and rate per capita-6*
 - a. *Proportion of 6-month population involved in any incidents*
 2. *Escapes, number and rate per capita-6*
- E. Community exposure (6-month period)
1. *Furloughs, number and rate per capita-6*
- F. Freedom of movement
1. *Perceived freedom of movement for inmates: Day / Evening / Night*
- G. Staffing
1. *Ratio of resident population to security staff*

Dimension 2: Safety (“keep them safe”)

- A. Inmate safety (6-month period)
1. *Perceived likelihood of an inmate being assaulted in his living area*
 2. *Estimated rate (per 100 population) of armed assaults involving inmates*
 3. *Estimated rate (per 100 population) of assaults against inmates without a weapon*

4. Estimated rate (per 100 population) of sexual assaults upon inmates
 5. Estimated rate (per 100 population) of instances inmate has been pressured for sex
 6. Inmates' perceived danger of being:
 - a. killed or injured
 - b. punched or assaulted
 7. Proportion of inmates who say they have been physically assaulted by another inmate in a 6-month period
 8. Proportion of inmates who say they have been physically assaulted by staff in a 6-month period
 9. *Discipline reports that involved fighting or assault, number and rate per capita-6*
 10. *Significant incidents involving inmate injury, number and rate per capita-6*
- B. Staff safety (6-month period)
1. Rating of how the building design affects staff safety
 2. Perceived danger to male staff
 3. Perceived danger to female staff
 4. Rating of how often inmates use physical force against staff
 5. Perceived likelihood that a staff member would be assaulted
 6. Proportion of staff who say they have been assaulted by an inmate in a 6-month period
 7. *Significant incidents involving staff injury, number and rate per capita-6*
- C. Dangerousness of inmates
1. Proportion of inmates perceived to be extremely dangerous
 2. Proportion of inmates perceived to be somewhat dangerous
 3. Perceived frequency of inmate possession of weapons in living quarters

- D. Safety of environment (6-month period)
 - 1. Perceived frequency of accidents:
Housing Units / Dining Hall / Work Environment
 - 2. Perceived occurrence in housing units of clutter that could feed a fire
- E. Staffing adequacy
 - 1. Proportion of staff and inmates who feel there are enough staff to provide for safety of inmates:
Day / Evening / Night
 - 2. Proportion of staff who feel there are enough staff to provide for their own safety:
Day / Evening / Night

Dimension 3: Order (“keep them in line”)

- A. Inmate misconduct (6-month period)
 - 1. Perceived frequency of physical force by inmates against staff
 - 2. Perceived security of inmate personal property
 - 3. Proportion of inmates who report being punished in the last 6 months:
 - a. with a major sanction
 - b. with a lesser sanction
 - 4. *Number of inmates written up, as proportion of 6-month population*
 - 5. *Discipline reports, total and rate per capita-6*
 - a. Reports per inmate among those written up
 - 6. *Significant incidents of disturbance or incitement to riot, number and rate per capita-6*
- B. Staff use of force (6-month period)
 - 1. Perceived frequency that staff have used force against inmates over a 6-month period
 - 2. *Significant incidents in which force was used, number and rate per capita-6*
 - 3. *Significant incidents in which restraint was used, number and rate per capita-6*

C. Perceived control

1. Agreement that staff know what goes on among inmates
2. Agreement that staff have caught and punished the “real troublemakers”
3. Perceptions of how much control **inmates** have over other inmates: Day / Evening / Night
4. Perceptions of how much control **staff** have over inmates: Day / Evening / Night

D. Strictness of enforcement (6-month period)

1. *Proportion of discipline reports that were:*
 - a. *Dismissed*
 - b. *Guilty of a minor report*
 - c. *Guilty of a major report*
2. *Proportion of minor report convictions that received a sanction of:*
 - a. *Warning/reprimand*
 - b. *5-10 extra hours of duty*
 - c. *15-20 extra hours of duty*
 - d. *25-30 extra hours of duty*
3. *Proportion of major report convictions that received a sanction of:*
 - a. *Segregation only*
 - b. *Loss of goodtime only*
 - c. *Segregation and loss of goodtime*
4. *Average number of goodtime days taken away*
5. *Average number of days to be spent in segregation*
6. *Proportion of major report sanctions*
 - a. *Suspended at committee level*
 - b. *Modified by warden*

Dimension 4: Care (“keep them healthy”)

A. Stress and illness (6-month period)

1. Inmate stress scale: average of 9 items reporting feelings of mental, physical, and emotional strain
2. Average number of days an inmate was ill or injured

3. Average number of days an inmate was seriously ill enough that medical help was needed but did not go to sick call
 4. *Significant incidents involving suicide attempts or self-injury, number and rate per capita-6*
 5. *Significant incidents requiring first aid or infirmary visit, number and rate per capita-6*
- B. Health care delivered (6-month period)
1. Proportion of inmates who used medical facilities other than for emergency problems
 - a. Proportion of those who used the facilities who felt the problem was properly taken care of
 2. Proportion of inmates who reported having had emergency medical treatment
 - a. Proportion of those who received emergency medical treatment who felt that it was adequately handled
 3. *Clinical contacts, total and rate per capita-6*
 4. *Sick calls, number and rate per capita-6*
 5. *Medical appointments, number and rate per capita-6*
 6. *Physicals and TB tests, number and rate per capita-6*
 7. *Lab appointments, number and rate per capita-6*
 8. *Miscellaneous clinic visits, number and rate per capita-6*
- C. Dental care (6-month period)
1. Proportion of inmates who received dental treatment
 - a. Proportion of those receiving dental treatment who felt it was adequately handled
 2. *Dental visits, number and rate per capita-6*
- D. Counseling (6-month period)
1. The alcohol and drug counseling services have been satisfactory (agree/disagree)
 2. Other counseling services have been satisfactory (agree/disagree)

3. Proportion of inmates who report having participated in some kind of counseling:
 - a. Drug/alcohol counseling
 - b. Therapy
 4. *Psychologist contact cases per capita for 1 month*
 5. *Number of contact hours per contact case for 1 month*
 6. *Proportion of inmates who were involved in the following programs:*
 - a. *Psychology/psychiatric; includes substance abuse*
 - b. *Employment and pre-release counseling*
 7. *Psychiatric visits (over a 6-month period), number and rate per capita-6*
- E. Staffing for programs and services
1. *Number of program or services delivery staff (FTE):*
 - a. *Medical clinicians*
 - b. *Education/work*
 - c. *Psychology/counseling*
 - d. *TOTAL*
 2. *Number of inmates (average daily resident population) per FTE staff position in programs or services:*
 - a. *Per medical clinician*
 - b. *Per education/work staff*
 - c. *Per psychologist/counselor*
 - d. *Per total program/service staff*
 3. *Program or services delivery staff as a proportion of total staff*

Dimension 5: Activity (“keep them busy”)

- A. General
1. Inmates usually have things to do to keep them busy

- B. Work and industry involvement (6-month period)
 - 1. *Involvement in prison industry, work release, or institutional jobs:*
 - a. *Proportion of population eligible*
 - b. *Proportion working*
 - 2. *Among eligible inmates, proportion involved in:*
 - a. *Prison industry*
 - b. *Work release*
 - c. *Institutional jobs*
 - 3. *Average work hours per week among employed inmates*

- C. Work and industry evaluation (6-month period)
 - 1. The work training program has been satisfactory (agree/disagree)
 - 2. Have the vocational training courses provided skills that are useful?
 - a. Perceived importance of learning the information presented in class
 - b. Perceived understanding of the information presented in class
 - 3. *Grievances that involved problems with work, number and rate per capita-6*

- D. Education and training involvement (6-month period)
 - 1. Proportion of inmates who report having participated in some educational program
 - a. Educational
 - b. Social education/pre-release skills
 - 2. *Enrollment in education or vocational training classes:*
 - a. *Proportion of population eligible*
 - b. *Proportion enrolled*
 - 3. *Among eligible inmates, proportion involved in the following programs:*
 - a. *Adult basic education*
 - b. *Secondary education*

- B. Limited use of force (6-month period)
 - 1. Staff use force only when necessary (agree/disagree)
 - 2. Perceived frequency with which staff have used force against inmates
 - 3. *Significant incidents in which force was used, number and rate per capita-6*
 - 4. *Significant incidents in which restraints were used, number and rate per capita-6*

- C. Grievance volume (6-month period)
 - 1. Proportion of staff reporting having a grievance filed against them in last 6 months
 - 2. Proportion of inmates who reported filing a grievance against staff or management
 - 3. *Inmates filing grievances, number and proportion of 6-month population*
 - 4. *Grievances filed, total and rate per capita-6*
 - 5. *Number of grievances directed at individual staff*
 - a. *Proportion of all grievances*
 - b. *Rate per capita-6*

- D. The grievance process (6-month period)
 - 1. Perceived effectiveness of the grievance procedure
 - 2. Perceived benefits of the grievance procedure
 - 3. Perceived effect of grievance procedure on the quality of life
 - 4. Proportion of inmate grievants who report their grievance was taken care of:
 - a. Completely
 - b. Partially
 - c. Not at all
 - 5. Proportion of inmates who did not file a grievance, who cite the following reasons:
 - a. They never had any major complaint
 - b. The problem was solved informally
 - c. They thought it would be useless
 - d. They were afraid of negative consequences
 - e. Other reasons

6. *Proportion of all grievances that were appealed*
- E. The discipline process (6-month period)
1. Proportion of inmates receiving a **major** sanction who felt it was a fair punishment
 2. Proportion of inmates receiving a **lesser** sanction who felt it was a fair punishment
 3. Perception of how many maximum security inmates really belong there
 4. *Proportion of discipline guilty verdicts that were appealed*
 - a. *Minor reports*
 - b. *Major reports*
 5. *Proportion of major report sanctions*
 - a. *Suspended at committee level*
 - b. *Modified by warden*
- F. Legal resources and legal access (6-month period)
1. Proportion of inmates who have used the law library
 2. Proportion of inmates who feel the law library has supplied adequate information
 3. Proportion of inmates who feel the law library has **not** supplied adequate information.
 4. *Grievances that involved legal resources or access, number and rate per capita-6*
- G. Justice delayed (6-month period)
1. *Average number of days from the date of the discipline report until the hearing*
 2. *Proportion of minor reports with hearings beyond 7-day limit*
 3. *From date of grievance report until resolved by grievance officer:*
 - a. *Average number of days*
 - b. *Proportion beyond 20 days*
 4. *From date of grievance report until resolution approved by warden:*
 - a. *Average number of days*
 - b. *Proportion beyond 27 days*

Dimension 7: Conditions (“without undue suffering”)

A. General

1. The administration is doing its best to provide good living conditions (agree/disagree)

B. Crowding (6-month period)

1. *Average resident population as percentage of capacity*
2. *Proportion of 6-month period in which capacity was exceeded*
3. *Average number of sq. ft. per inmate in housing units*
4. Perceived occurrence of crowding in the housing units
5. Perceived occurrence of crowding outside the housing units

C. Social density and privacy

1. *Proportion of inmates who were confined in:*
 - a. *Single-occupancy units of 60 sq. ft. or more*
 - b. *Multiple-occupancy units with 60 sq. ft. or more per inmate*
 - c. *Multiple-occupancy units with less than 60 sq. ft. per inmate*
2. Perceived amount of privacy within the sleeping area
3. Perceived amount of privacy in the shower and toilet area

D. Internal freedom of movement

1. Perceived freedom of movement for inmates:
Day / Evening / Night
2. *Proportion of inmates who were confined to housing units for over 10 hours per day*

E. Facilities and maintenance (6-month period)

1. *Residents vs. conveniences in living areas*
 - a. *Inmates per shower*
 - b. *Inmates per sink*
 - c. *Inmates per toilet*

2. Proportion of inmates reporting family and friends who find it hard to arrange visits
 3. Average number of visitors reported by inmates
 4. Rating of the quality of visits
 5. Perceived occurrence of too many people in the visiting area
 6. Rating of how often it is hard to talk to a visitor because of noise in the visiting area
 7. Proportion of inmates who feel the visiting room has enough furniture
 8. Proportion of inmates who feel the visiting room has enough vending machines
 9. *Grievances involving visitation and mail problems, number and rate per capita-6*
- K. Community access (6-month period)
1. *Furloughs, number and rate per capita-6*

Dimension 8: Management (“as efficiently as possible”)

- A. Job satisfaction (6-month period)
1. Institution satisfaction index: average across 3 items expressing positive feelings toward the institution
 2. Proportion of staff who reported filing a grievance against management
 3. Proportion of staff who have not filed a grievance, who cite the following reason:
 - a. Never had a major complaint
 - b. Problem was taken care of informally
 - c. Thought it would be useless
 - d. Afraid of negative consequences
 - e. Other reason
- B. Stress and burn-out
1. Job stress index: average across 5 items regarding how often staff experience stress on the job

2. Hardening-toward-inmates index: average across 3 items regarding how often staff feel indifferent or harsh toward inmates
 3. Relating-to-inmates index: average across 7 items regarding how often staff feel positive about the way they work with inmates
- C. Staff turnover
1. *Staff on reference date divided into:*
 - a. *Vacancies on reference date*
 - b. *Terminations during previous 6 months*
 2. *Termination rate divided by relevant BOP tenure-specific rate*
- D. Staff and management relations
1. Management and communication index: average across 10 items expressing positive appraisals of the organization and authority of management
 2. Relationship-with-supervisor index: average across 6 items regarding how positive staff feel toward their supervisor
 3. Rating of how the building design affects communication among line staff
 4. Rating of how the building design affects communication between line staff and supervisors
- E. Staff experience
1. Average number of years worked at this institution
 2. Average number of other facilities worked in prior to this facility
 3. *Average years in corrections*
 - a. *Total staff, minus services staff*
 - b. *Custody staff*
 - c. *Top administrators*
- F. Education
1. *Average years of education (excluding services staff)*

G. Training

1. Training index: average across 5 items regarding the effectiveness and quality of the training program

H. Salary and overtime (6-month period)

1. *Average salary (in \$1,000's)*
 - a. *Total, minus services staff*
 - b. *Custody staff*
 - c. *Top administrators*
2. Average number of overtime hours worked in a week
3. Average proportion of overtime compensated by:
 - a. Extra pay
 - b. Compensatory time
 - c. No compensation

I. Staffing efficiency

1. *Number of resident inmates per FTE staff member*

This paper is based on research conducted by the author with support from several agencies of the U. S. Department of Justice: the Bureau of Justice Statistics (grant no. 92-BJ-CX-0001), the National Institute of Justice (grant no. 86-IJ-CX-0062-S1), the National Institute of Corrections, and the Federal Bureau of Prisons. The views are those of the author and do not necessarily reflect Department of Justice policy.

About the author

Dr. Charles H. Logan is a Professor and Associate Head of Sociology at the University of Connecticut, where he has taught since 1970. He has published widely on many criminal justice issues, including the deterrent effects of arrest and imprisonment, evaluation of correctional programs, the effects of parole, juvenile justice, jury selection, prison performance measures, and the privatization of prisons. His major work in the latter area is *Private Prisons: Cons and Pros* (Oxford University Press, 1990). In 1987-88 he served as a professional staff member for the President's Commission on Privatization and has been a Visiting Fellow to several agencies of the U.S. Department of Justice — including the National Institute of Justice, the Bureau of Prisons, and the Bureau of Justice Statistics. He is a member of the Corrections and Sentencing Committee of the American Bar Association's Criminal Justice Section.

Measuring the Performance of Community Corrections

by Joan Petersilia

Introduction

The 1980's saw tremendous growth in community corrections' populations — from about 1.4 million persons at the start of the decade to 3.2 million by 1990 — a more than 130% increase. This increase was larger than that experienced by either prisons or jails over the same time period (Hindelang et al., 1981; Jankowski, 1992). Today, 3 out of every 4 persons under correctional supervision in the United States are on some form of community-based custody — mostly probation or parole — although community corrections also includes halfway houses, residential centers, work furlough, and all other programs for managing the offender in the community.¹

¹Probation is often confused with parole. Probation is a sentence the offender serves in the community while under supervision; parole is the conditional release of an inmate from incarceration under supervision after a portion of the prison sentence has been served.

Despite its wide usage, community corrections is often the subject of intense criticism. Probation and parole suffer from a “soft on crime” image and, as a result, maintain little public support. Their poor (and some believe, misunderstood) public image leaves them unable to compete effectively for scarce public funds. Nationally, community corrections receives less than 10% of State and local government expenditures for correctional services, which includes jails and prisons (Flanagan and Maguire, 1992). And their budgets are declining at a faster rate when compared to other criminal justice components. Over the last decade in Los Angeles, for example, the county Superior Court budget grew more than 200%, the sheriffs’ and district attorneys’ budgets grew about 50%, while that of probation grew by a mere 10% — even though probation populations more than doubled over this time period.

It is also true that those offenders being sentenced to probation and parole are more serious than in the past — in terms of their crimes, prior criminal records, and substance abuse histories (Petersilia and Turner, 1990). In New York, for example, 77% of probationers are felons (not misdemeanants), and fully a third of active cases are people who have been found guilty of violent crimes — yet these persons are supervised on caseloads of several hundred persons (*Los Angeles Times*, February 7, 1993:A20). The Los Angeles situation is even more critical. The L.A. County Probation Department, the largest in the world, supervises 90,000 adult offenders — 80% of all those convicted in the county. But three-quarters of those offenders are monitored only by computer, by probation officers with caseloads of about 1,000 each. As a result, Chief Probation Officer Barry Nidorf estimates that his deputies have, on average, only 1 hour and 47 minutes per year to devote to each probationer (*Los Angeles Times*, February 8, 1993:A12).

Why does community corrections fare so poorly? It is not that its services are undervalued. Quite the contrary: every national study and commission beginning with the President's Commission on Law Enforcement and Administration of Justice (1967) up to the more recent President's *National Drug Control Strategy* (1990) has recommended expanding community corrections. In fact, the National Advisory Commission on Criminal Justice Standards and Goals (1973:311) referred to community corrections as the justice system's "brightest hope." Public opinion polls also show wide support for community-based sentencing for nonviolent offenders (Doble, 1987; Jacoby and Dunn, 1987).

But while there is general support for the *concept* of community sanctions, current programs are seen as inadequate. Most of the commissions that endorse community corrections go on to state that current programs are unable to provide effective offender supervision or rehabilitation. Furthermore, their minimal supervision is not seen as adequate punishment for most serious crimes. As DiIulio notes in *No Escape: The Future of American Corrections* (1991:68),

Most Americans think that criminal sanctions that make little or no use of incarceration fail to protect the public adequately, to deter would-be criminals, and to prevent convicted offenders from finding new victims. Furthermore, they simply do not feel that alternatives to incarceration are an adequate moral response to the pain and suffering imposed upon innocent victims by often calculating and remorseless victimizers.

In their defense, "community corrections" remains an ambiguous concept. It is a legal status, an alternative to incarceration, a service-delivery mechanism, and an

organizational entity. As an organizational entity, it has objectives and performs a wide range of activities — some totally unrelated to offender supervision and/or treatment. One survey found that probation departments were responsible for more than 50 different activities, including court-related civil functions (for example, step-parent adoption investigations, minority age marriage investigations) (Fitzharris, 1979). The time-worn controversy over whether community corrections (particularly probation) is punishment, treatment, or an amalgam of both further confuses discussions of its mission. As David Fogel (1984) observed: “probation lacks a forceful imagery that other occupations in criminal justice can claim: police catch criminals, prosecutors try to get them locked up, judges put them in prisons, wardens keep them there, but what do probation officers do?”

So while it is true that study panels continually endorse the expansion of community corrections, none has specified exactly what functions it should perform, or when and how it should be used. Having been founded more than 150 years ago, community corrections still has an unclear primary mission, with confusion about what activities contribute to that mission and how best to assess their performance. Many observers have urged community corrections to quantify what they do, with whom, and to what benefit (Cochran et al., 1991; Petersilia et al., 1985; Clear and O’Leary, 1983; McAnany et al., 1984; Blair et al., 1987).

Without a clear public mandate or an effective constituency, community corrections has been vulnerable to political pressures. It has fallen prey to the weakness described by the adage: “If you don’t stand for something, you’ll fall for anything.” In the 1970’s, when rehabilitation was in favor, it promised to rehabilitate. In the 1980’s,

when the public mood turned tough-on-crime, it promised toughness. But with budget cuts, observers have noted that community corrections ends up promising much but being able to deliver very little (Clear and Byrne, 1992).

As DiIulio (1992) points out, to some extent these problems are endemic to all public agencies. However, they seem particularly problematic in community corrections agencies for two reasons. First, there is a serious lack of consensus — and in fact, widespread disagreement — among community corrections staff as to goals and mission. The leadership, as well as line staff, differ — both within and among departments — as to the importance of the surveillance/control model versus the treatment/service model. Of course, supervision usually combines elements of both, but studies have shown that supervision activities do differ significantly depending on which model the staff endorses (Ellsworth, 1992). The controversy over whether community corrections is punishment, treatment, or both has now been enlivened. A number of large community corrections agencies (for example, Los Angeles) have now openly embraced a surveillance model — quite different from the meshing of the two major goals in previous years.

Thus, there is a major disagreement *within the leadership* of community corrections about what the primary mission of their agencies is.

The second major difficulty — closely related to the first — is that community corrections has, by and large, never been able to show that it “works.” Historically, recidivism rates — an offender’s return to crime after some intervention — have been the gauge by which community corrections has been evaluated. And after hundreds of research studies (most poorly done), the weight of evidence shows that community corrections programs have not been able

to reduce recidivism (Lipton et al., 1975; Gottfredson and Gottfredson, 1980; Petersilia and Turner, 1993). A recent report by the Bureau of Justice Statistics revealed that 43% of felons on State probation were rearrested for another felony within 3 years (Langan and Cunniff, 1992).

After a long history of being unable to affect recidivism significantly, probation and parole leaders have begun to question the outcome measure itself — not whether recidivism should be included at all, but whether it should be the sole or primary measure of their performance. They note that crime is the result of a long line of social ills—dysfunctional families, economic and educational deprivation, and so on — and these social problems are clearly beyond the direct influence of probation/parole agencies. As the BJS/Princeton Study Group concludes (1992):

to evaluate the system's performance chiefly in terms of recidivism measures is to exaggerate the system's ability to affect the prevalence and severity of crime in society, to miss other important measures of the system's day-to-day performance, and to obscure the role that citizens can and should play in promoting secure communities (DiIulio, 1992).

Corrections officials also argue persuasively that recidivism rates measure just one function, while ignoring other critical probation/parole tasks, such as preparing presentence investigations, collecting fines and fees, monitoring community service, and so on. Adequate performance indicators should reflect the multitude of an agency's goals and activities.

The American Probation and Parole Association (1992) has recently called for including other intermediate outcomes in program evaluations. These would measure the offend-

ers' activities while on probation or parole supervision (for example, rates of employment, drug use, participation in work and education). The association argues that programs do affect offender behavior, and that the effects would be shown if these mediating outcomes were measured.

Corrections practitioners also question whether their performance should be judged by how the offender behaves once he is *off* formal probation/parole supervision. After all, other components of the justice system are not judged by their ability to affect the future criminal behavior of offenders, and corrections should not be either. Charles Logan (1992) agrees and writes:

The police, prosecutor, and courts are judged by more proximate outcomes (such as arrest and conviction rates). It is only when the system switches to corrections, that changing the offenders' crime behavior becomes the primary measure of success.

An additional difficulty has recently emerged regarding the recidivism measure. Specifically, even if one accepts that recidivism is a useful measure of success, it is not clear which *direction* indicates success. If one believes that the major mission of community corrections is to protect the public — emphasizing the *surveillance* function — then perhaps *increasing* recidivism rates (for example, returns to prison) is a positive — not negative — performance indicator. If offenders are convicted of a crime and incarcerated, then public safety is being served. But if *rehabilitation* is the primary goal, as it has historically been, then *decreasing* recidivism indicates success. For example, a recent evaluation of intensive probation/parole supervision programs found that closer supervision increased technical violations and returns to jail and prison. The *Los Angeles Times* called the probation program a

“dismal failure” since it failed to decrease recidivism. Barry Nidorf, Chief Probation Officer in Los Angeles County, used the higher recidivism figures to argue that the ISP program had succeeded. He wrote:

Reducing recidivism was not listed as the highest priority...holding offenders accountable was of primary importance...given the stated project goal of protecting the community, a significantly lower recidivism rate was not expected.

For years, probation has been measured only by recidivism rate....In today’s environment, with over 70% of the probation caseload consisting of felony offenders, is it still realistic to use only this one criterion? Why is revocation and sentencing of a probation violator not considered a “success”? I believe it should be...(Nidorf, 1991a).

Without consensus about whether the major criminal justice outcome — recidivism — should be increasing or decreasing as a result of interventions, the research field is likely to become even more muddled.

It does appear that community corrections, more than other public agencies, has had difficulty articulating its mission and reaching agreement as to appropriate performance indicators. But as budgets shrink, public stakeholders will be increasingly asking what they are getting — in objective, measurable terms — for their dollar. Within this context, probation and parole will become increasingly vulnerable to budget cuts if they cannot clearly articulate what they do, with whom, and to what effect.

This paper is designed to address that need. Specifically, it attempts to —

- 1) articulate a mission statement for community corrections
- 2) identify the goals contained within the mission statement
- 3) specify methods or activities that address each goal
- 4) identify measurable performance indicators for each goal.

This paper is clearly just a first step and is meant to stimulate discussion and further work. Other goals could be added to the mission statement (for example, educate the public, prevent crime), and additional (or different) methods and performance indicators could be substituted for those indicated. Community corrections agencies should customize their mission statement, methods, and performance indicators so that they reflect local resources and priorities.

Step 1: Specify a mission statement for community corrections

A necessary first step toward developing performance indicators is to articulate the organization's goals and mission. As Peters and Waterman, authors of *In Search of Excellence*, put it: "Figure out what your value system is. Decide what your company stands for..." (1982: 227). The same principle applies to social, nonprofit organizations. Before community corrections agencies can evaluate their performance, they must first define what they are attempting to accomplish.

As noted above, probation and parole have historically had difficulty defining their mission (McAnany et al., 1984; Petersilia et al., 1985). Different goals are often given by administrators and staff within the same depart-

ment. And sometimes the same person gives different messages to different audiences, depending on his or her perception of their support for rehabilitation versus enforcement activities. In some instances, agencies adopt a mission or goal statement that they think will sell their services to the external community, but that staff do not sincerely support. And the goals of the staff might not be shared by their principal sponsors or customers (the judiciary, county funders, and the public, in the case of community corrections). The result is that the mission statements of many agencies become public relations gimmicks as opposed to working statements that assist internal agency operations.

DiIulio (1991) advises criminal justice agencies to develop mission statements that —

- 1) include only activities that the agency can reasonably and realistically be expected to fulfill
- 2) are fairly narrow and consistent in scope
- 3) contain activities that are unique to the justice agency, rather than conflated with functions of other social institutions such as schools and welfare agencies.

His major message is that the mission statement should not ask the agency to “do the impossible” and it should contain activities over which it has direct control, rather than seek the achievement of more distant ends.

Nidorf (1991b) adds an additional requirement: mission statements must be responsive to expectations held by the community and by other justice agencies. He argues persuasively that community corrections operates within the justice system, not independent from it, and that its goals

and activities — and eventual survival — depend heavily on how well it meets the expectations of the public and peer agencies (police, courts).

Several attempts have been made to develop mission statements for community corrections, most recently by the American Correctional Association (1986) and the California Corrections Policy Project (1992). These statements, as well as those of earlier years (see Fitzharris, 1979; McAnany, 1984; Clear and O'Leary, 1983), all embrace the notions of public protection and offender rehabilitation. For instance, the California Corrections Policy Projects' statement is:

The mission of community corrections is to protect the community; support the rights of victims; enforce court-ordered sanctions; and assist offenders to change (CCPP, 1992).

The statement of the American Correctional Association (ACA) is broader, simply stating that the community corrections mission as sanction is to “enhance social order and public safety” (1986:58).

The American Probation and Parole Association (APPA) (1992) says that the goals of community corrections are to: “protect the community; deter criminal and drug activity; punish and rehabilitate offenders.”

In fact, all of the mission statements identified were quite similar in their mention of public protection and offender rehabilitation. Some also included assisting the court in sentencing decisions, public education, and aiding victims (Fitzharris, 1979).

For purposes of this paper, the author adopts the following mission statement, which comes from reviewing the literature as well as talking with the leadership of the APPA, National Association of Probation Executives (NAPE), and the California Probation/Parole and Correctional Association (CPPCA).

The mission of community corrections is to assist the court and/or parole board in assessing candidates' suitability for community placement; and once offenders are placed in the community, to enforce the court-ordered sanctions, protect the community, assist offenders to change, and support the rights of their victims.

Step 2: Identify methods designed to accomplish each identified goal

The major objective in developing a clear mission or goal statement is that it defines what the agency is about, what it hopes to achieve. This makes the next step possible: specifying the agency activities that are designed to achieve (or move toward achieving) the various goals. The table on pp. 78-79 takes the mission statement adopted for this paper, breaks it down into individual goals, and then identifies specific community corrections methods or activities that are designed to accomplish each goal. For example, the first goal pertains to advising the court about an offender's suitability for community placement. Community corrections staff do this in two principal ways: conducting presentence investigations, and conducting investigations of parole or probation violations. Methods are linked to each of the five major goals contained in the study group's original mission statement.

Step 3: Specify performance indicators for each method or activity

Once the agency has identified its goals and the methods it uses to address each goal, it can specify objective (measurable) performance criteria that determine the extent to which the activities are being performed and the goals are being achieved.

Identifying indicators of probation and parole success is not as easy as it sounds. As Clear and O'Leary (1983:67) note, many probation and parole staff are like social-service workers and tend to frame the substance of their work in terms of broad attitudinal or otherwise nonspecific changes. Officers frequently identify the outcomes in terms of changes in the client — but in often vague or ambiguous terms such as “ability to deal with authority,” or “improved self-image.” These broad changes are difficult to define operationally because they are subject to individual judgment —one officer's definition of progress might be quite different from another's —and because there are few objective measures for determining whether the goal has been met. For purposes of performance measurement, we need objective, measurable outcome statements that are tied to specific targeted activities that are believed to be related to the mission.

Column 3 of Table 1 (“Performance Indicators”) specifies performance indicators for each of the major goals in the mission statement. For example, one of the major goals of community corrections is to protect the public. This is done by monitoring the offender's behavior (through officer contacts), drug and alcohol testing, and so forth. To objectively measure whether these activities protect the public, one would record the number and types of arrests that occur during supervision and the number of offenders

who abscond during supervision. Likewise, one goal is to “assist the offender to change.” “Success” in achieving this goal might be measured by the number of drug-free or alcohol-free days, number of times attending treatment, and objective tests of attitude change.

It is important to mention two things at this point:

- 1) the performance indicators listed in Table 1 are quite different from those currently used and include much more than recidivism, and
- 2) the measurements (including recidivism) reflect only activities that occur *while the offender is formally on community corrections status, not beyond.*

It may be quite interesting to track offenders for some time period after their supervision has ended and record their recidivism, but those rates should not be used, as they have historically, as the primary measure of probation and parole effectiveness. Criminal behavior is motivated by social and other factors over which the justice system has little, if any, direct control. Hawkins and Alpert (1989) suggest that to ask the justice system to assume responsibility for post-program behavior is akin to asking high schools to assume responsibility for post-graduation employment. Success in high school is defined as completing the course of study (not dropping out) and attaining some level of knowledge and skills assessed by grades and standardized tests. Schools do not follow up their graduates to see if they slip back into ignorance or fail to hold a job after leaving school. But corrections programs are judged not on their immediate impact but on their long-term effects: does the person refrain from crime after formal supervision has ended?

It is the belief of the BJS/Princeton Study Group that the performance of community corrections agencies ought not to be evaluated mainly or exclusively in terms of their effects on recidivism rates, and that the success of community corrections should not be based on some postprogram assessment of behavior.

Why bother with performance indicators?

Community corrections agencies do not currently collect information on most of the performance indicators listed in the table on pp. 78-79. To do so, agencies would first need to define their mission, identify activities related to that mission, and collect relevant performance indicators. Given their current budget woes, why would they want to take on this additional task?

There are a number of reasons. Completing such an exercise would assist them in prioritizing activities and allocating resources. When the agency implemented a new program or policy, data would be readily available to monitor (or even project) the program's impact. Collecting data on the performance indicators on pp. 78-79 should also increase staff morale, since these indicators measure activities they do control and will likely show some success. Also, going through the exercise of defining mission, activities, and performance indicators helps the organization — top management and field staff — reach consensus on key issues. It also helps identify those priority areas that have few related program activities. The most important reason, however, for completing this exercise and collecting the necessary data is a practical one: without such information, community corrections remains vulnerable to continued budget cuts. It has been shown that those

who can quantify what they do, with whom, and to what effect have a strong competitive advantage in budget negotiations.

Donald Cochran, Commissioner of Probation in Massachusetts (1991:38), articulates the practical advantages of engaging in such an exercise:

Probation managers need to use information to accurately determine what work needs to be done, the outcomes the agency will produce if resources are added, or likely program outcomes and organizational practices if resources continue to be reduced...information and knowledge driven probation programs can and will be funded (Cochran, 1991:36, underline in original).

Ronald Corbett (1991) expands by noting:

in a time when agencies are increasingly called to define their existence, the absence of a clearly articulated philosophy will leave agencies vulnerable, unable to offer a compelling vision of their contribution to the common good in a manner that justifies continued existence...an agency that cannot offer a clear and convincing statement of its reason for being will not survive the rough and tumble of competition for shrinking tax dollars.

When public agencies fail to define their mission internally, political influences are more apt to define it for them. And when they fail to articulate how they should be evaluated, outcome measurements such as recidivism rates will likely be imposed upon them.

Over time, community corrections policy has become heavily influenced, not by those practitioners who are most

knowledgeable about it, but instead by public opinion, fear, and political hype. One of the biggest challenges now facing community corrections is to regain control of its profession. One direct and effective way to do this is by defining a mission and showing — in measurable terms — that the agency is achieving it. With more solid information, community corrections should again be able to inspire the confidence of policymakers and the public, and ultimately secure the dollars necessary to perform adequately the activities that help accomplish their mission.

The mission of community corrections is to assist the court and/or parole board in assessing candidates' suitability for community placement; and once offenders are placed in the community, to enforce the court-ordered sanctions, protect the community, assist offenders to change, and support the rights of their victims.

Community corrections: Goals, methods, and performance indicators

Goals	Methods/activities	Performance indicators
<p>1. Assess offender's suitability for placement: Community corrections advises the court and/or parole board on suitability of community placement.</p>	<p>Conduct presentence investigations (PSI) Conduct investigations of violation reports</p>	<p>Accuracy and completeness of PSI Timeliness of revocation and termination hearings Validity of classification/prediction instrument Percent of offenders receiving recommended sentence or violation act Percent of offenders recommended for community who violate</p>
<p>2. Enforce court-ordered sanctions: The court permits the offender to remain in the community if he/she adheres to certain conditions, which always include no new crime and may include financial obligations and prohibitions on alcohol/drug use, peer associations, unemployment, etc.</p>	<p>Monitor police arrest and investigation reports Monitor victim restitution and court fees Monitor community service Conduct personal contacts and other monitoring (such as electronic) Verify employment, school performance Test for drug and alcohol use</p>	<p>Number of arrests and technical violation during supervision Percent of ordered payments collected Number of hours/days performed community service Number of favorable discharges Number of days employed, in vocational education or school Drug-free and/or alcohol-free days during supervision</p>

Goals	Methods/activities	Performance indicators
<p>3. Protect the community: Offenders are to be closely observed so that violations are noted, and if serious enough, result in the offender's being removed from the community.</p>	<p>Risk/needs instrument to assign classification status of violation Conduct personal contact with offender Conduct telephone contacts and collateral contacts Limit offender freedom/mobility (e.g., curfews) Conduct drug and alcohol testing Coordinate with police on investigations /warrants Monitor arrest records Restrict offender travel outside designated community</p>	<p>Number and type of supervision contacts</p> <p>Number and type of technical violations during supervision</p> <p>Number and type of arrest during supervision</p> <p>Number of absconders during supervision</p>
<p>4. Assist offenders to change: Offenders should be given the opportunity to participate in activities designed to reduce their long-term return to crime.</p>	<p>Refer to educational/vocational activities</p> <p>Refer to drug/alcohol treatment.</p> <p>Refer or conduct personal counseling</p>	<p>Number of times attending treatment/work programming</p> <p>Employment during supervision</p> <p>Number of arrests and/or technical violations during supervision</p> <p>Number drug-free and/or alcohol-free days during supervision</p> <p>Attitude change</p>
<p>5. Restore crime victims: Crime victims have a right to be involved in the justice system, provided necessary financial support and social services, and protected from harm and intimidation.</p>	<p>Monitor restitution payments</p> <p>Inform victim of potential contact/danger</p> <p>Inform victims of services for them</p>	<p>Payment of restitution</p> <p>Extent of victim satisfaction with services and department</p>

References

American Correctional Association (1986). *Public Policy for Corrections*. College Park, Md.: American Correctional Association.

American Probation and Parole Association (1992). Working Draft on Intensive Supervision Probation/Parole Training Manual.

Blair, Louis H., Harry P. Hatry, Karan Bunn et al. (1971). *Monitoring the Impacts of Prison and Parole Services: An Initial Examination*. Washington, D.C.: The Urban Institute.

California Corrections Policy Project (1991). *California Corrections Policies for the Future: Mission and Policy Statement*. Sacramento: California Corrections Policy Project.

Clear, Todd R., and James M. Byrne (1992). "The Future of Intermediate Sanctions: Questions to Consider," in James M. Byrne, Arthur J. Lurigio, and Joan Petersilia (eds.), *Smart Sentencing: The Emergence of Intermediate Sanctions*. Newbury Park, Calif.: Sage Publications.

Clear, Todd R., and Vincent O'Leary (1981). *Controlling the Offender in the Community*. Lexington, Mass.: Lexington Books.

Cochran, Donald (1991). "Classification/Information Systems" in Donald Cochran et al., *Managing Probation with Scarce Resources: Obstacles and Opportunities*. Washington, D.C.: National Institute of Corrections.

Cochran, Donald et al. (1991). *Managing Probation with Scarce Resources: Obstacles and Opportunities*. Washington, D.C.: National Institute of Corrections.

Corbett, Ronald P., Jr. (1991). "How Did We Get in this Mess?" in Donald Cochran et al., *Managing Probation with Scarce Resources: Obstacles and Opportunities*. Washington, D.C.: National Institute of Corrections.

DiIulio, John J., Jr. (1991). *No Escape: The Future of American Corrections*. New York: Basic Books, Inc.

— (1992). *Rethinking the Criminal Justice System: Toward a New Paradigm*. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.

Doble, John (1987). *Crime and Punishment: The Public's View*. New York: Public Agenda Foundation.

Ellsworth, Thomas (1992). "The Goal Orientation of Adult Probation Professionals: A Study of Probation Systems," in Thomas Ellsworth (ed.), *Contemporary Community Corrections*. Prospect Heights: Waveland Press, Inc.

Fitzharris, Timothy L. (1979). *Probation in an Era of Diminishing Resources*. The Foundation for Continuing Education in Corrections. Sacramento, Calif.: The California Probation, Parole, and Correctional Association.

Flanagan, Timothy J., and Kathleen Maguire (eds.) (1992). *Sourcebook of Criminal Justice Statistics, 1991*. U.S. Department of Justice, Bureau of Justice Statistics. Washington, D.C.: U.S. Government Printing Office.

Fogel, David (1984). "The Emergence of Probation as a Profession in the Service of Public Safety: The Next Ten Years," in Patrick D. McAnany, Doug Thomson, and David Fogel (eds.), *Probation and Justice: Reconsideration of Mission*. Cambridge, Mass.: Oelgeschlager, Gunn and Hain.

Gottfredson, Michael R., and Don M. Gottfredson (1980). *Decisionmaking in Criminal Justice*. Cambridge, Mass.: Ballinger.

Hawkins, Richard, and Geoffrey P. Alpert (1989). *American Prison Systems: Punishment and Justice*. Englewood Cliffs, N.J.: Prentice Hall.

Hindelang, Michael J., Michael R. Gottfredson, and Timothy J. Flanagan (eds.) (1981). *Sourcebook of Criminal Justice Statistics, 1980*. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.

Jacoby, Joseph E., and Christopher S. Dunn (1987). "National Survey on Punishment for Criminal Offenses." Unpublished paper. Bowling Green State University, Bowling Green, Ohio.

Jankowski, Louis W. (1992). *Correctional Populations in the United States, 1990*. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.

Langan, Patrick A., and Mark A. Cunniff (1992). *Recidivism of Felons on Probation, 1986-89*, Special Report. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.

Lipton, D., R. Martinson, and J. Wilks (1975). *The Effectiveness of Correctional Treatment and What Works: A Survey of Treatment Evaluation Studies*. New York: Praeger Publishers.

Logan, Charles H. (1992). "Criminal Justice Performance Measures for Prisons," *Performance Measures for the Criminal Justice System*. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.

McAnany, Patrick, Doug Thomson, and David Fogel (1984). *Probation and Justice: Reconsideration of Mission*. Cambridge, Mass.: Oelgeschlager, Gunn and Hain.

National Advisory Commission on Criminal Justice Standards and Goals (1973). *Report on Corrections*. Washington, D.C.: U.S. Government Printing Office.

Nidorf, Barry (1991a). "Nothing Works' Revisited," *Perspectives*, Vol. 15, No. 3, pp. 12-13.

— (1991b). "External Relations," in Donald Cochran et al., *Managing Probation with Scarce Resources: Obstacles and Opportunities*. Washington, D.C.: National Institute of Corrections.

Peters, Thomas, and Robert Waterman, Jr. (1982). *In Search of Excellence*. New York: Harper & Row.

Petersilia, Joan, and Susan Turner (1990). *Intensive Supervision Probation for High-Risk Offenders: Findings from Three California Experiments*. R-3936-NIJ/BJA. Santa Monica, Calif.: RAND.

— (1993). “Intensive Probation and Parole Supervision: Research Findings and Policy Implications,” in Michael Tonry (ed.), *Crime and Justice*, Vol. 17. Chicago: University of Chicago Press.

Petersilia, Joan, Susan Turner, James Kahan, Joyce Peterson (1985). *Granting Felons Probation: Public Risks and Alternatives*. R-3186-NIJ. Santa Monica, Calif.: RAND.

President of the United States (1990). *National Drug Control Strategy*. Washington, D.C.: U.S. Government Printing Office.

President’s Commission on Law Enforcement and Administration of Justice (1967). *The Challenge of Crime in a Free Society*. Washington, D.C.: U.S. Government Printing Office.

About the author

Joan Petersilia is director of RAND's Criminal Justice Program and Associate Professor in the Department of Criminology, Law and Society, School of Social Ecology, University of California, Irvine. She has directed major studies in policing, sentencing, career criminals, corrections, and racial discrimination. For the past several years, her work has focused on the effectiveness of probation and parole.

Dr. Petersilia has served as president of the American Society of Criminology and of the Association for Criminal Justice Research in California. She is a fellow of both the American Society of Criminology and the Western Society of Criminology and has received awards from the American Probation and Parole Association and the California Probation, Parole, and Corrections Association.

She is coauthor of *Smart Sentencing: The Emergence of Intermediate Sanctions* (1992). Her latest major publications include *Intensive Probation and Parole* (1993); *Crime and Punishment in California: Full Cells, Empty Pockets, and Questionable Benefits* (1992); *Intensive Supervision for High-Risk Probationers: Findings from Three California Experiments* (1990); *Expanding Options for Criminal Sentencing* (1987); *Police Performance and Case Attrition* (1987); and *The Influence of Criminal Justice Research* (1987).

Performance Measures for the Trial Courts, Prosecution, and Public Defense

by George F. Cole

Introduction

Thurman Arnold has argued that the central ideals of every Western government are symbolized in its judicial system: In particular, that the criminal trial “overshadows all other ceremonies as a dramatization of the values of our spiritual government, representing the dignity of the State as an enforcer of law, and at the same time the dignity of the individual when he is an avowed opponent of the State, a dissenter, a radical, or even a criminal.”¹

Although most Americans never visit the criminal courts, those with firsthand experience — defendants, witnesses, jurors — and those who learn about court processes and trials through the media are greatly influenced by their

¹Thurman Arnold, *The Symbols of Government* (New York: Harcourt, Brace and World, 1962), pp. 128-130.

perceptions of the quality of justice. Their observations would contribute to citizen education about the role of law in society, the legitimacy of the criminal justice system, and ultimately to citizen willingness to abide by the law.

Adjudication — prosecution, defense, and courts — is the subsystem of criminal justice that perhaps more than either law enforcement or corrections is the component that the public expects to allocate justice. Judges, prosecutors, and defenders are all attorneys who have sworn to uphold the ideals of justice and to act according to the canons of the legal profession. Judicial decisions are more visible than actions in police stations, probation offices, or prisons; hence, the work of the courts is more open to public scrutiny. Not only do courts make decisions in individual cases according to the concept of due process but judges are charged with ensuring that the other components of the system operate according to the law. Thus, as Herbert Packer has emphasized, it is not enough that the law be fair; it must be *seen* to be fair.²

How should the performance of the agencies of adjudication be measured? What should be the standards expected of trial courts, prosecution and defense offices, and the individuals who work in them? These are enduring questions and have been raised about American trial courts throughout this century.

Beginning in the 1970's, a series of federally funded studies addressed the issue of performance indicators. To varying degrees, the studies stressed measures emphasizing process rather than results, efficiency rather than effectiveness, and program outcomes rather than policy

²Herbert L. Packer, *The Limits of the Criminal Sanction* (Stanford, Calif.: Stanford University Press, 1968) p. 69.

outcomes.³ As a consequence, we know a lot about conviction rates, numbers of dismissals, percentages of guilty pleas, case processing times, and the use of various sentencing options — yardsticks that say little about the quality of justice. Few offices of prosecution, indigent defense, or courts have developed and incorporated performance assessments to evaluate the quality of the behavior of officials as they interact with citizens — be they defendants, victims, jurors, or the general public.

Since 1987 the National Center for State Courts has been working on the development and implementation of measurable performance standards to be used in general jurisdiction State trial courts. The center's goal has been not measures of structure and process but of *performance*, "what courts actually do with the means at their disposal."⁴ This paper first traces the court reform movement so as to describe the assumptions that have guided trial court

³See Sorrel Wildhorn, Marvin Lavin, and Anthony Pascal, *Indicators of Justice* (Lexington, Mass.: Lexington Books, 1977); Joan E. Jacoby, *Basic Issues in Prosecution and Public Defender Performance* (Washington, D.C.: National Institute of Justice, 1982); Thomas J. Cook and Ronald W. Johnson, with Ellen Fried, John Gross, Mary Wagner, and James Eisenstein, *Basic Issues in Courts Performance* (Washington, D.C.: National Institute of Justice, 1982). See also National District Attorneys Association, *National Prosecution Standards*, 2nd ed., (Alexandria, Va.: National District Attorneys Association, 1991); Robert Rovner-Piecznik, Alan Rapoport, and Martha Lane, *Evaluation Design for Public Defender Offices* (Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, 1977).

⁴National Center for State Courts, Commission on Trial Court Performance Standards, *Trial Court Performance Standards* (Williamsburg, Va.: National Center for State Courts, 1990), p. 1.

evaluation for the past half century and then fully explores the performance standards developed by the center. It is not the intention to ignore efforts to measure prosecutor and indigent defense performance but, rather, to use the experience of the courts as a demonstration of the types of standards and measures that could be adopted by other agencies in the adjudication subsystem of criminal justice.

Reforming the courts

The 1906 speech by Roscoe Pound to the American Bar Association, entitled “The Causes of Popular Dissatisfaction with the Administration of Justice,” has been referred to as “the spark that kindled the white flame of progress.”⁵ Pound pointed to organizational inadequacies of the judicial system and asserted that there were too many courts and, in consequence, duplication and inefficiency; further, that there was a great waste of judicial power because of rigid jurisdictional boundaries, poor use of resources, and the frequent granting of new trials.⁶

Pound’s call to action fell on sympathetic ears among the reformers of the Progressive Era, who thought that structural changes would lead to a more efficient and equitable administration of justice. The American Bar Association and the American Judicature Society set out to press the States to remove party politics from judicial selection, increase funding for the courts, consolidate and

⁵Roscoe Pound, “The Causes of Popular Dissatisfaction with the Administration of Justice,” reprinted in *Journal of the American Judicature Society*, 20 (1937):178-187; John H. Wigmore, “Roscoe Pound’s St. Paul Address of 1906,” *Journal of the American Judicature Society*, 20 (1937):136.

⁶See also Roscoe Pound, “Organization of Courts,” *Judicature*, 11 (1927):69; Pound, “Principles and Outline of a Modern Unified Court Organization,” *Judicature*, 23 (1940):225.

simplify court structures, and create a force of professional administrators. Proponents of the reforms emphasized that their adoption would “serve the court’s basic task of determining cases justly, promptly, and economically.”⁷ Referred to as the “conventional wisdom of State court administration” by later scholars, the thrust of this orientation became “the accepted theory of State court organization and administration for almost 70 years.”⁸

Among the problems affecting the judiciary, case-processing delay in the criminal trial courts has been a continuing focus for concern and reform. The Sixth Amendment to the Constitution mandates a speedy trial, yet throughout this century there is much evidence that the processing of some cases can take months, even years. The voluminous literature on delay underscores that case-processing time beyond that which is necessary for a fair resolution of the issues greatly undercuts the quality of justice. It is argued that “justice delayed is justice denied” because witnesses may move or die, memories may fade, and the accused incurs costs because of pretrial restrictions on freedom, loss of income, and expenses run up in mounting a defense. The accumulation of case delay is seen as producing backlogs that “waste court resources,

⁷American Bar Association, Commission on Standards of Judicial Administration, *Standards Relating to Court Organization* (Chicago: American Bar Association, 1974) p. 1.

⁸Geoff Gallas, “The Conventional Wisdom of State Court Administration: A Critical Assessment and an Alternative Approach,” *Justice System Journal* 2 (Spring 1976):35-55. Gallas cites as examples of the conventional wisdom such reports as American Bar Association Commission on Standards of Judicial Administration, *Standards Relating to Court Organization* (Chicago: American Bar Association, 1974) and National Advisory Commission on Criminal Justice Standards and Goals, *Courts* (Washington, D.C.: Government Printing Office, 1973).

needlessly increase lawyer fees, and create confusion and conflict in allocating judges' time."⁹

Case-processing time has become one of the major criteria of trial court performance, akin to the use of arrest and recidivism rates in evaluating the police and corrections. The speed with which cases are processed has been viewed as having a determinative impact on numbers of cases handled, amount and types of resources required, and quality of justice allocated. Attacking trial court delay has thus been a focus of reformers and researchers. Goerdts notes that since 1976 there have been at least eight national research projects and a number of smaller studies that have examined the pace of litigation.¹⁰ Attention to the problem has led to the adoption of disposition-time standards by the American Bar Association, the Conference of Chief Justices, and the Conference of State Court Administrators.

In keeping with the conventional wisdom that the inadequacies of courts are related to their structure, efforts were advanced during the past quarter century to reduce delay through unification of court systems, centralization of management, and expansion of resources. However, by the late 1970's research conducted by the National Center for State Courts began to challenge the assumptions that delay could be explained by such factors as court structure,

⁹American Bar Association, National Conference of State Trial Judges, *Standards Relating to Court Delay Reduction* (Chicago: American Bar Association, 1984), p.5 (commentary to Sec. 2.50 of the *Standards Relating to Trial Courts* as amended in 1984). Cited in Barry Mahoney et al., *Changing Times in Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1988), p. 2.

¹⁰John Goerdts, *Examining Court Delay: The Pace of Litigation in 26 Urban Trial Courts, 1987* (Williamsburg, Va.: National Center for State Courts, 1989), p 4.

size, caseload per judge, and the type of case calendaring.¹¹ For example, as noted by one major study of the effect of structure on trial court operations, “Unification may provide the framework in which the quality of justice can be enhanced, but it seems doubtful that unification has a direct impact upon quality.”¹²

The fact that “the link between a court’s effectiveness and its pace of litigation is taken as faith” was addressed by Gallas, who argued that judicial leadership must be considered as a factor influencing performance.¹³ Other researchers argued that delay-reduction efforts should focus on such factors as “more effective court leadership, commitment to achievement of disposition time goals, early and continuous court control over caseload, and increased judicial accountability for case processing.”¹⁴ Delay continued to be a primary measure of trial court performance, but explanations for its existence and methods for its reduction shifted.

Nonstructural influences on court performance

Recognition that court performance is related to factors other than structure has emerged through research completed during the past two decades. Even with the

¹¹Goerdts, *Examining Court Delay*, p. 4.

¹²Thomas A. Henderson et al., *The Significance of Judicial Structure: The Effect of Unification on Court Operations* (Washington, D.C.: National Institute of Justice, 1984) p. 175.

¹³Geoff Gallas, “Judicial Leadership Excellence: A Research Perspective,” *Justice System Journal*, 12 (Spring 1987): 48.

¹⁴Henderson, *The Significance of Judicial Structure*, p. 175. See Thomas W. Church, Jr., “The ‘Old and New’ Conventional Wisdom of Court Delay,” *Justice System Journal*, 7 (1982): 395; Barry Mahoney and Dale Anne Sipes, “Toward Better Management of Criminal Litigation,” *Judicature*, 72 (1988): 29.

overall similarity of organizational structures and formal processes of adjudication, differences among the trial courts are discernible to anyone who has visited American courthouses. Some courts sentence offenders to longer terms than do others. Delay and tight pretrial release policies keep some accused in jail awaiting trial, whereas in other jurisdictions similar defendants are out on bail or have their cases expeditiously resolved. Guilty pleas make up 90% of dispositions in some communities but only 60% in others. Researchers have found that there are differences in the processes and outputs of courts among various cities and among courtrooms in the same city even when the formal structures, laws, and procedures are the same. The concepts of “local legal culture” and “courtroom workgroup” have been particularly useful in helping to understand these variations.

The concept of local legal culture — norms shared by members of a particular court community (judges, attorneys, clerks, bailiffs, and others) as to case handling and participants’ behavior in the judicial process — has been shown to have a decided impact on court processes and outcomes.¹⁵ Through the local legal culture informal rules and practices arise within particular settings, and the “way things are done” differs from place to place. The customs and traditions of each jurisdiction seem to vary because local practices are affected by such factors as size, politics, and population characteristics.¹⁶

¹⁵Thomas W. Church, Jr. “Examining Local Legal Culture,” *American Bar Foundation Research Journal* (Summer 1985), p. 49.

¹⁶For a study that analyzes the role of local legal culture of nine communities, see: James Eisenstein, Roy B. Flemming, and Peter F. Nardulli, *The Contours of Justice: Communities and Their Courts* (Boston: Little, Brown, 1988).

Adjudication is also influenced by the fact that courtroom participants are organized as a workgroup.¹⁷ From this perspective, the reciprocal relationships of the judge, prosecutor, and defense attorney, along with those of the supporting cast (clerk, reporter, and bailiff), are necessary to complete the group's basic task: the disposition of cases within the context of the laws and the concept of justice. As pointed out by Nardulli, the "courtroom elite" controls the operations of the court and, hence, most directly bears upon court performance.¹⁸ Research has shown that the outputs of courtroom workgroups differ, not because of the formal structure and procedures but because of level of cohesiveness, the influence of participants' sponsoring organizations (prosecution, judiciary, public defense), and the nature of the leadership of the group. In essence, the workgroup operates in an environment in which the local legal culture, recruitment and selection processes, cases, and the socioeconomic, political, and legal structures of the broader community are conceived as having an impact on decisionmaking.¹⁹ Court performance is thus greatly influenced by these factors.

How should trial courts be measured?

By the mid-1980's it was apparent to judicial administrators, judges, and scholars that the longtime focus on the structure of the courts and processing times and assump-

¹⁷James Eisenstein and Herbert Jacob, *Felony Justice* (Boston: Little, Brown, 1977).

¹⁸Peter F. Nardulli, *The Courtroom Elite: An Organizational Perspective on Criminal Justice* (Cambridge, Mass.: Ballinger, 1978).

¹⁹See Thomas J. Cook, Ronald W. Johnson et al., *Basic Issues in Courts Performance* (Washington, D.C.: National Institute of Justice, 1982), p. 38.

tions about ways that performance should be looked at had collided with research depictions of court operations as much under the sway of the local legal culture, inter-organizational links, and the interactions among members of the courtroom workgroup. In addition, critics argued that a concern for efficiency in case processing can lead to injustice and undermine the judiciary's institutional integrity.²⁰

At a 1986 international conference on judicial administration, calls were made for greater attention to performance measures. Gallas declared that beyond the goal of reforming organizational structure is the need for effective leadership.²¹ He argued that evaluating trial courts requires examination of the links between judicial leadership and court performance. To differentiate successful from unsuccessful courts, he and others argued, it is necessary to go beyond disposition times to overall performance. Feeney emphasized that evaluating performance incorporates a clear definition of goals, adequate evaluative information, and meaningful standards for judging performance. "About the only thing that is clear is that if the courts are to improve during the next thirty years everyone associated with the courts — managers, judges, researchers, and others — must radically increase the attention to evaluation of performance."²²

²⁰Judith Resnik, "Managerial Judges and Court Delay: The Unproven Assumptions," 23 *Judges' Journal*, 8 (1984); H. Lee Sarokin, "Justice Rushed Is Justice Ruined," 38 *Rutgers Law Review*, 431 (1986).

²¹Geoff Gallas, "Judicial Leadership Excellence: A Research Prospectus," *Justice System Journal*, 12 (1987), p. 54.

²²Floyd Feeney, "Evaluating Trial Court Performance," *Justice System Journal*, 12 (1987) p. 167.

Developing new measures of trial court performance

In their insightful book, *Reinventing Government*, Osborne and Gaebler describe some of the problems of measuring the performance of public organizations.²³ They note that unlike private businesses, government agencies seldom focus on outcomes because assessment is so difficult. Developing suitable measures may take years; they may be appropriate to outputs but not *outcomes*; they may define outcomes too narrowly, so that employees concentrate on only a few goals; or they may be so numerous that employees do not know what to concentrate on.

Citing the experience of the National Center for State Courts, Osborne and Gaebler say that public organizations that have tried to measure performance have learned that there is (1) a vast difference between measuring process and measuring results; (2) a vast difference between measuring efficiency and measuring effectiveness; and (3) an important difference between “program outcomes” and broader “policy outcomes.” They also describe the difficulties of developing acceptable performance standards and measurement tools and the resistance of public service providers to new approaches.

In 1987 the National Center for State Courts initiated the Trial Court Performance Standards Project to develop

²³David Osborne and Ted Gaebler, *Reinventing Government* (New York: Praeger, 1992); see especially Appendix B. There is a large literature in public administration on the measurement of public goods and services. See, for example, Vincent Ostrom, Charles M. Tiebout, and Robert Warren, “The Organization of Government in Metropolitan Areas: A Theoretical Inquiry,” *American Political Science Review*, 55 (December 1991): pp. 831-842.

measurable performance standards for the State trial courts of general jurisdiction. The project was begun after researchers at the center recognized the shortcomings of the focus on the structure and machinery of trial courts and moved on to questions relating to the goals of trial courts. What is it that courts are trying to do? What should courts be trying to accomplish with the resources at their disposal? What is the role of judicial leadership in improving the trial courts? How do we identify courts that are doing well?

With funding from the Bureau of Justice Assistance, the center created the Commission on Trial Court Performance Standards, which took on the arduous task of redirecting research attention to the outcome aspect — what trial courts actually accomplish — and to developing tools to assess outcomes according to acceptable criteria. The commission focused solely on institutional rather than individual performance and promoted the approach as a self-assessment tool for the trial courts.²⁴

Over a 3-year period the commission and center staff developed a set of 22 standards in 5 areas to measure trial court performance, developed a comprehensive measurement system, field-tested the standards and the

²⁴The evaluation of the performance of individual judges has been ongoing in many States for nearly two decades. Much of this effort has been spearheaded by the American Bar Association Special Committee on Evaluation of Judicial Performance and the Judicial Performance Evaluation Project of the National Center for States Courts. See Susan Keilitz and Judith White McBride, “Judicial Performance Evaluation Comes of Age,” *State Court Journal* (Winter 1992): 4-13.

system, and gained acceptance of the new criteria by key judicial organizations and several States.²⁵

Let us examine the five performance areas as they relate to the key concepts suggested by the call in the first paper in this compendium for a new paradigm by which to understand and measure the criminal justice system.²⁶ The paradigm emphasizes the important role played by citizens as co-producers of justice. It recognizes that police, courts, and corrections require the cooperation and support of citizens if they are going to be successful at their jobs. The paradigm also recognizes that like successful private organizations, criminal justice agencies need to be measured according to “soft” performance indicators: how citizens are treated, how they evaluate performance, and the level of trust and confidence of citizens in their institutions.

The five performance areas for State trial courts decided upon are:

- Access to justice
- Expeditiousness and timeliness
- Equality, fairness, and integrity
- Independence and accountability
- Public trust and confidence.

²⁵National Center for State Courts, Commission on Trial Court Performance Standards, *Trial Court Performance Standards* (Williamsburg, Va.: National Center for State Courts, 1990).

As noted by the commission, the groupings represent alternative ways of viewing the fundamental purposes of trial courts as they allocate justice in individual cases, resolve disputes, uphold and promote the rule of law, protect individuals from the arbitrary use of governmental power, and encourage behavior that adheres to societal norms as expressed in statutes and regulations. Most people probably would agree that these are the things that trial courts do and that the five areas summarize public expectations of court performance. But as the commission discovered, it is one thing to agree on designation of performance areas in the abstract but it is another thing to develop and define specific, measurable standards. Each of the five performance areas is summarized below and the specific standards associated with them are listed.²⁷

Standard 1. Access to justice

In a democracy courts must be open and accessible. The concept of accessibility refers not only to physical structure but also to the procedures and the responsiveness of personnel to members of the public:

Standard 1.1 Public proceedings

The trial court conducts its proceedings and other public business openly.

Standard 1.2 Safety, accessibility, and convenience

The trial court facilities are safe, accessible, and convenient to use.

Standard 1.3 Effective participation

All who appear before the trial court are given the opportunity to participate effectively, without undue hardship or inconvenience.

²⁷See the appendix of the commission's report for a listing of each performance measure, the data collection methods, and the personnel to be included in the evaluation.

Standard 1.4 Courtesy, responsiveness, and respect
Judges and other trial court personnel are courteous and responsive to the public and accord respect to all with whom they come in contact.

Standard 1.5 Affordable costs of access
The costs of access to the trial court's proceedings and records — whether measured in terms of money, time, or procedures that must be followed — are reasonable, fair, and affordable.

Standard 2. Expeditiousness and timeliness

The trial court should meet its responsibilities to all persons and agencies affected by its actions and activities in an expeditious and timely manner. Unnecessary delay causes injustice and hardship, and in turn diminished public trust and confidence in the court.

Standard 2.1 Case processing
The trial court establishes and complies with recognized guidelines for timely case processing while at the same time keeping current with its incoming caseload.

Standard 2.2 Compliance with schedules
The trial court disburses funds promptly, provides reports and information according to schedules, and responds to requests for information and other services on an established schedule that assures their effective use.

Standard 2.3 Prompt implementation of law and procedure
The trial court promptly implements changes in law and procedure.

Standard 3. Equality, fairness, and integrity

The trial court should provide due process and equal protection of the law to all who have business before it. Equality and fairness demand equal justice under law. Integrity should characterize the nature and substance of the trial court's procedures and decisions and the consequences of the decisions.

Standard 3.1 Fair and reliable judicial process

Trial court procedures faithfully adhere to relevant laws, procedural rules, and established policies.

Standard 3.2 Juries

Jury lists are representative of the jurisdiction from which they are drawn.

Standard 3.3 Court decisions and actions

The trial court gives individual attention to cases, deciding them without undue disparity among like cases and upon legally relevant factors.

Standard 3.4 Clarity

Decisions of the trial court unambiguously address the issues presented to it and make clear how compliance can be achieved.

Standard 3.5 Responsibility for enforcement

The trial court takes appropriate responsibility for the enforcement of its orders.

Standard 3.6 Production and preservation of records

Records of all relevant trial court decisions and actions are accurate and properly preserved.

Standard 4. Independence and accountability

The judiciary must assert and maintain its distinctiveness as a separate branch of government. Within the organizational structure of the judicial branch, the trial court must establish its legal and organizational boundaries, monitor and control its operations, and account publicly for its performance.

Standard 4.1 Independence and comity

The trial court maintains its institutional integrity and observes the principle of comity in its governmental relations.

Standard 4.2 Accountability for public resources

The trial court responsibly seeks, uses, and accounts for its public resources.

Standard 4.3 Personnel practices and decisions

The trial court uses fair employment practices.

Standard 4.4 Public education

The trial court informs the community of its programs.

Standard 4.5 Response to change

The trial court anticipates new conditions or emergent events and adjusts its operations as necessary.

Standard 5. Public trust and confidence

The public's compliance with the law is dependent to some degree upon its respect for the courts. Ideally, public trust and confidence in trial courts stem from the many contacts citizens have with the courts.

Standard 5.1 Accessibility

The trial court and the justice it delivers are perceived by the public as accessible.

Standard 5.2 Expedient, fair, and reliable court functions

The public has trust and confidence that the basic trial court functions are conducted expeditiously and fairly and that its decisions have integrity.

Standard 5.3 Judicial independence and accountability

The trial court is perceived to be independent, not unduly influenced by other components of government, and accountable.

Implementing trial court performance evaluation

From its inception the commission recognized that trial court performance evaluation would require —

- a statement of goals or general principles according to which trial courts operate (or should operate)
- standards by which to assess trial courts' performance against those principles
- indicators or measures tied to the performance standards
- procedures to link the indicators to the standards and goals
- availability of data concerning performance.

Having promulgated the goals and standards, as outlined above, the commission next addressed the tasks of developing measures of performance, outlining procedures for data collection, field testing the procedures, and implementing the new approach in trial court demonstration sites.

The commission and its staff spent many hours wrestling with the operational definition of the standards so that measurement criteria could be developed and data collec-

tion procedures generated. It was recognized that both quantitative and qualitative measures would be used and that data collection efforts had to be feasible, given consideration of costs and the availability of data needed for specific measures. Questions of implementing the process colored these discussions. The *Appendix* provides examples of the measures, data collection methods, and the persons to be used as evaluators. As can be seen, not only are members of the judicial staff involved in the evaluation of a court's performance but qualitative data are gathered from the consumers of justice — attorneys, jurors, litigants, witnesses, and community leaders.

With distribution of copies of the *Trial Court Performance Standards* in November 1990, the commission sought and gained endorsement of the standards by judicial and court management professional organizations, began training programs for persons who would conduct the evaluations, and launched a series of demonstrations in New Jersey, Ohio, Virginia, and Washington. Not unexpectedly, implementing the standards in the demonstration States brought out the need to revise several of the measurement methods.

It is well recognized that instituting change in organizations can be difficult.²⁸ Personnel are especially resistant when new standards are instituted and when measurement bears directly on their performance. One way to deal with the resistance of individual service providers is involve them in development of the measures and to couch incorporation of the performance evaluation as part of an ongoing self-assessment. The experience of the

²⁸Osborne and Gaebler, *Reinventing Government*, pp. 355-359, summarize the “received wisdom” of experts in the performance measurement field with regard to implementations.

commission's work in the demonstration States should assist others with the implementation of performance measures.

Summary

The work of the Commission on Trial Court Performance Standards of the National Center for State Courts serves as a useful illustration of the development of goals and evaluation methods more in keeping with a criminal justice paradigm that emphasizes citizens as co-producers of justice. As we have seen, the commission's standards —

- are customer oriented in that evaluations reflect the concerns of those who use the courts rather than those who run the courts
- focus on performance and outcome rather than on structures, processes, and resources
- examine trial courts as organizations involved in tasks and processes that are linked together and that affect one another
- are based on reliable data rather than on reputation.

It is hoped that incorporating these measures into the management of State trial courts will not only provide an important management tool to make the judiciary more responsive to the “democratic vision” but also guide leaders in other sections of the criminal justice system — police, prosecution, defense, and corrections — in the development of their own standards and measurement tools.

About the author

George F. Cole is Professor and Head of the Department of Political Science at The University of Connecticut. A specialist on the administration of criminal justice, he has published extensively on such topics as prosecution, the courts, and corrections. He has been granted two awards under the Fulbright-Hays Program to conduct research in England and Yugoslavia, and has held a fellowship at the National Institute of Justice. In addition to his scholarly publications he is the author of the widely used introductory textbooks, *The American System of Criminal Justice*, 6th edition (Brooks/Cole, 1992) and with Todd Clear, *American Corrections*, 3rd edition (Wadsworth, 1994).

Appendix: Selected measures and data collection methods

Measure	Object or subject	Methods	Evaluators
1.1.1 Open hearings	Court proceedings	Structured observation	Volunteers
1.1.2 Understanding courtroom calendar	Court calendar and proceedings	Structure observation	Volunteers
1.2.3 Perceptions of courthouse security	Regular users of court	Questionnaire survey	Court staff
1.2.4 Knowledge of emergency procedures	Court employees	Interviews	Court staff; graduate students
1.4.3 Litigant treatment	Court proceedings	Structured observation; questionnaire	Volunteers
1.5.1 Alternatives for the financially disadvantaged	Court services; court resources	Structured observation; document and review; interviews; inventory	Data collection team
3.1.2 Performance in applying the law	Attorneys; court employees	Questionnaire survey	Court staff
3.2.1 Jury source list	Juror source list	Statistical analysis	Court staff
3.2.2 Jury selection procedures	Juror selection	Observation	Court staff
4.5.2 Anticipation of change	Potential issues	Questionnaire survey; Delphi technique; group review	Court staff; consultant
5.(1-3).1 Public perceptions	General public	Telephone survey	Court staff; consultant; graduate students
5.(1-3).2 Community leaders' perceptions	Local bar; law enforcement agencies; local government; news media	Focus group	Professional group

Measuring Police Performance in the New Paradigm of Policing¹

by Geoffrey P. Alpert and Mark H. Moore

Introduction

During the 1980's and 1990's there has been a resurgence of interest in community policing. As an outgrowth of police-community relations, the concept of community policing has become the goal, method, and guiding principle for police. Unfortunately, community policing remains a concept and philosophy in search of a process, without proper ways to document or evaluate its efforts. This essay in the BJS-Princeton series focuses on community-oriented policing and takes a new approach to the measurement and evaluation of police performance. Before outlining our paradigm of police performance measures we will review the conventional measures and

¹Portions of this essay have been taken from Alpert and Dunham, *Policing Multi-Ethnic Neighborhoods* (1988) and *Policing Urban America* (1992).

why we believe a new way of thinking must direct our attention to new performance measures.

Citizens and their elected representatives have long sought a bottom line to measure police performance. The goals have been to reassure the public that hard-earned tax dollars were being spent to achieve important results and to hold police managers accountable for improving organizational performance. As police agencies matured, four generally accepted accounting practices became enshrined as the key measures to evaluate police performance. These include —

- 1) reported crime rates
- 2) overall arrests
- 3) clearance rates
- 4) response times.

As these measures became institutionalized over the years, investments were made in developing information systems to record police performance consistent with these measures. Statistical reports using these measures were routinely issued. Further, the media, overseers in city councils, and auditors in city managers' offices have all been primed to acknowledge and use these measures to compare police performance from year to year and to compare local accomplishments with those of other cities. For most practical purposes, these are the statistics by which police departments throughout the United States are now held accountable.

These measures remain critical as part of an overall system for measuring police performance. As currently used, however, these measures reflect an increasingly outmoded model of police tasks and fail to capture many important contributions that police make to the quality of life. More important, these measures may misguide police managers

and lead them and their organizations towards purposes and activities that are less valuable than others that can be achieved with limited and diminishing resources.

Police performance measures should focus on a new model of policing that emphasizes their charge to do justice, promote secure communities, restore crime victims, and promote noncriminal options — the elements of an emerging paradigm of criminal justice (DiIulio, 1992: 10-12). The purpose of this paper is to describe how policing fits in with this new paradigm, including implications for restructuring the overall objectives and measuring the accomplishments of policing through police agency performance measures (Kelling, 1992).

The evolving strategy of policing

Historically, policing in America has been inspired and guided by a vision of **professional** law enforcement. This vision is a coherent strategy of policing defining the principal ends, means, and legitimating principles of the police enterprise (Wilson and McLaren, 1977).

Professional law enforcement: The dominant strategy of policing

In this vision, the primary, perhaps exclusive goals of the police are to reduce crime and criminal victimization. Police seek to achieve this goal by arresting and threatening to arrest those who violate the criminal law. They organize themselves to produce this result by:

- 1) patrolling city streets hoping to detect and deter crime
- 2) responding rapidly to calls for service
- 3) conducting investigations after crimes have been committed to identify criminal offenders and develop evidence to be used in prosecutions.

In essence, in the vision of professional law enforcement, the police are seen as the all-important entry point to the criminal justice system — the gatekeeper managing the —first step in bringing the force of the criminal law to bear on offenders.

To deal effectively with serious crime and dangerous criminal offenders, specialized skills are required. The police have had to learn how to use legitimate force with skill and confidence. They have had to improve their ability to investigate and solve crimes to reduce the chance that serious offenders could escape accountability. Thus, in search of increased effectiveness in dealing with an increasingly challenging and urgent problem, the police consciously narrowed their focus and refined their skills in responding to serious crime and dangerous offenders. By relying on the techniques of patrol, rapid response, and retrospective investigation, the police have been kept at the forefront of community life and have been made available to anyone who needed them when a crime occurred.

Limitations of professional law enforcement

Recently, enthusiasm for this strategy of professional policing has waned. The professional policing model has been ineffective in reducing crime, reducing citizens' fears, and satisfying victims that justice is being done. Indeed, recent research indicates that a majority of the population believes that the crime problem has become progressively worse during the past decade (Gallup, 1992, cited in Bureau of Justice Statistics, 1992: 185). Similarly, citizens have lost confidence in the criminal justice system to protect them (Cole, 1992: 23).

Such charges are, in many respects, unfair to the police. It is unreasonable to expect the police to reduce crime all by themselves. Crime rates are affected by vast social, economic, and political forces. No matter how professional, police cannot solve the “root causes” of crime. They cannot be blamed for increasing unemployment, increasing inequality, or eroding family structures (Bazelon, 1988). In addition, police are dependent on the rest of the criminal justice system to give significance to arrests.

Toward a new paradigm of policing

Many police executives are beginning to think about and experiment with a strategy of policing that differs from the professional model and emphasizes the development of a strong relationship with the community. **The essence of this new paradigm is that police must engage in community-based processes related to the production and maintenance of local human and social capital. The means by which these lofty goals are to be achieved are through the development of strong relationships with institutions and individuals in the community.**

While the specific elements of this new strategy of policing have not been agreed upon or clearly delineated, the broad characteristics are reasonably clear.

The major theme of **building a strong relationship with the community** has two justifications. First, it is an important way to make enforcement more effective. Second, it is a way to prevent crime and make the community co-producers of justice (Skogan and Antunes, 1979).

One excellent example comes from the Metro-Dade Police Department (MDPD) in Miami, Fla. In June 1992 the staff of the Northside Station of the MDPD conducted a survey

of local residents (mostly African-American) to determine if any public personalities or activities could serve as common ground between the police and young males (Metro-Dade Police Department, 1992). What emerged was a fascinating finding. The young respondents identified local rap radio disc jockeys and rap music as personalities and activities that interested them.

In March 1993 the police turned these empirical findings into action. They created a series of “Jammin’ with the Man” concerts. Local disc jockeys were invited to hold concerts in local parks sponsored by the police. While the youths enjoyed the music and festivities, the police were there, talking with the youths and encouraging them to talk and work with the police to understand each other. Although more than 5,000 people attended the first event, there were no negative incidents. The MDPD report concluded by noting:

While Jammin’ with the Man was originally intended to be a single step in a process to improve police-community relations, a step aimed particularly at young men, [it] seems to have become part or all of the answer. It has also become an educational experience for the community as they see police as agents of peace rather than enforcers of law. More importantly, it has demonstrated that the mere act of the police engaged in active listening has the effect of empowering them and perhaps alleviating some of their sense of alienation (Metro-Dade Police Department, 1993: 6).

In other words, this project provided an excellent vehicle for the police to create and maintain positive contacts with members of the community they serve and to be seen in a positive light. Further, by initiating and participating in activities the youths enjoyed, the police had an opportunity to see youth in a positive light.

Dr. Trevor Bennett has classified the various ways to consider community policing and has reduced them to three categories. First, he notes that there are arguments which refer to the intrinsic “goodness” of the general relationship between police and the community. Second, he recognizes relationships in which the police and the public work together to achieve common and specified goals, including the shared responsibility for crime control. Third, he acknowledges the need for police to take into consideration the wishes and concerns of the community. In Bennett’s words:

... [A] workable definition of a community policing philosophy might include the following basic elements: a belief or intention that the police should work with the public whenever possible in solving local problems and a belief that they should take account of the wishes of the public in defining and evaluating operational police policy (Bennett, 1992: 7).

A second theme emphasizes **attacking the communities’ problems on a broader front** — in effect, rejecting the exclusive focus on serious crime. The theme emerging from research is that much fear of crime is independent of victimization and that there are things the police can do to deal with fear (Bureau of Justice Statistics, 1988, 1992). Research findings and practice make clear that citizens use the police for many purposes other than crime control and that things other than crime are principal concerns (Alpert and Dunham, 1992: 2-3). Certainly, goals other than the reduction of serious crime should be emphasized when it is realized that crime control is not the principal or only objective of the police. In any case, the police cannot achieve the reduction of fear or crime by themselves. What the police can achieve is the independent goal of public or customer satisfaction.

A third theme emphasizes some important **changes in the way the police visualize their work and their methods.** In the traditional strategy of policing, the key unit of work is the “incident.” That is, patrol officers respond to a specific incident, and it is the incident that becomes the focus of a criminal investigation. What we have recently learned, however, is that a large proportion of incidents emerge from a relatively small number of situations and locations. Moreover, analysis of the problems underlying many incidents reported to the police suggests that the police might be able to imagine and mount different kinds of intervention (Goldstein, 1990).

The concept known as problem-oriented policing emphasizes involvement of the police in community life. This strategy has police serve as community agents rather than adversaries with the community. Study group member Professor James F. Short suggests that police should not maintain their gatekeeper function and solve problems **for** the community but should be involved in solving problems **with** community support and assistance. In this way, police can help develop and promote a sense of community (Short, 1990: 225-226). Professor Short makes a critical link from the 1990’s problem-oriented policing to the role of police in the Chicago Area Project during the 1940’s. As he informs us, there are many similarities in police functioning then and what we are suggesting for the future. The vision was —

... [T]he police as a resource for the community, aiding local residents and working with indigenous leaders to solve community problems, with special focus on the problems of young people. The goal in each of these programs is to promote the achievement of “functional communities,” that is, communities in which family life, work, religion, education, law enforcement, and other

institutional areas reflect and reinforce common values (Short, 1990: 226).

Although arrests of offenders remains an important tactic, the police repertoire must be widened to include a variety of civil actions, mobilization of citizens and other government agencies to change the conditions that generate crime or that will likely escalate deteriorating conditions. For example, the strategy of “Weed and Seed” is to eliminate drug-related crime and to restore economic vitality to inner cities through multi-agency cooperation and the use of community empowerment and resident involvement (Department of Justice, 1991). An important aspect of this third theme is that the police should become pro-active, interactive, and preventative in their orientation rather than rely solely on reacting and control.

A fourth theme focuses on **changes in internal working relationships**. That is, police agencies need to examine the potential strengths and weaknesses of decentralization of authority by seeking ways to guide discretion and police behavior generally through increasing reliance on values rather than rules and strict methods of accountability (Alpert and Smith, 1993). These ideas are central to the concepts of community policing, problem-solving policing and smarter policing. Incorporating these ideas into strategies of policing, we believe, would truly professionalize police rather than treat them as blue-collar workers. In addition to making police work more effective, these — four strategies may increase job satisfaction — and most importantly — community satisfaction (Greene, Alpert and Styles, 1992).

These four themes combine to form the overarching principle of changed police-community relationships. Currently, police work revolves around serious crimes. The commu-

nity participates by becoming the eyes and ears of the police; however, this strategy keeps the police outside and above the community. Police are summoned by the community through individual requests for service, and those requests are evaluated primarily in terms of whether an offense has been committed and a crime has been solved.

Creative, problem-oriented policing strategies place the community in a much different position than they have been in the recent past. Under this new paradigm, police work is oriented toward community satisfaction and the increase in human and social capital in the community. Satisfaction is determined not only by the police response to individual calls, but also by community members banding together to advise and consult with the police. Further, community institutions play the most important roles in changing community conditions that generate crime and in shaping police activities related to crime and other community conditions. Placing police and the citizens in communication with community leaders creates a dialogue and interaction. This removes the police from a hierarchical position and has the effect of increasing the accountability of the police to the community.

One of the crucial issues that must be faced by all concerned with community policing is the assumption that there is a community to organize. Some cities and suburbs have developed rapidly and have not formed what sociologists refer to as communities or neighborhoods. Similarly, some precincts or reporting areas may not be contiguous with natural neighborhoods or communities. Finally, some areas that have deteriorated or are in the process of deteriorating may be difficult to organize. Areas needing organization the least will be the easiest to assist, while less well-organized communities, particularly underclass areas

of the inner city, will be the hardest to organize (Alpert and Dunham, 1988). However, examples of difficult and complicated organization are available.

One example of this community-building comes from Judge Thomas Petersen in Dade County, Fla. Judge Petersen was able to create a sense of community in several areas known for their lack of community spirit or allegiance. Judge Petersen, with assistance from the housing authority, law enforcement officials, and private industry, established three community stores that sold essential items in housing projects. In each, the housing authority found sufficient space and turned the space into grocery stores with supplies donated by private industry. The shelves were stocked with no up-front costs. Further, training for the people necessary to run the business was procured from professionals in the grocery business. Those who were hired to run the store were in need of child care, and the space and training for that service was provided by the housing authority.

After a short period of time, a group of people were working in the store, others were working in the child care center, and all were removed from public assistance. More important, however, was the sense of community created by the stores and child care centers. The stores became a focal point of the projects, and residents, police, and others involved in their establishment gained a mutual respect and trust for each other. Residents who had been scared to talk to other residents began to realize the importance of community spirit and the benefits of mutual assistance. The workers and residents began to identify with the operation of the store, and when anyone began to cause trouble or tried to sell drugs, the police were called immediately, and residents would point out the offender and

work with the police to do justice. After a short period, the stores earned the reputation as establishments that would not only sell goods but also as the heart of the housing projects, serving as a rumor control center, a place to get assistance from others, and a place with respect for the police function.

This new-found respect for police spread very quickly through the projects and neighborhoods. Residents who once despised the police were now working with them to solve crimes and create an atmosphere where street criminals would not be tolerated. In many respects, Judge Petersen had created a community spirit that fit neatly into the community-oriented policing strategy (Petersen, 1993).

Implications for police performance measurement

As society and the police approach a new understanding of how each can contribute to the other, it is critical to develop new measures to determine how well the police perform. Measures of performance rely on the definition of what the police are expected to do and how they are expected to do it. The measures must not only reflect but also help to shape community expectations of the police. For example, consider how neatly the current enshrined measures of police performance fit the dominant current strategy of policing.

Current performance measures as a reflection of professional law enforcement

Recall that the current strategy of policing emphasizes crime control through arrests and that arrests are produced by patrol, rapid response to calls for service, and retrospective investigation. Current police performance

measures are linked directly to these tasks. First, the overall objective of police has traditionally been perceived to reduce crime. It follows that the traditional measure of police performance is the level of reported crime measured by the Uniform Crime Reports. Another police task is apprehending offenders. This task is measured by arrests. Other traditional measures related to the crime rate include the ability to solve crimes (clearance rates — a very subjective measure) and the ability to get to crime scenes quickly (response times). These existing measures fit the traditional policing strategy perfectly, and they have become recognized as the important measures.

What is missing from these measures

Limitations of the traditional policing strategy are also represented by the current performance measures. It is important that crime is measured in terms of reported crime, rather than through victimization surveys. Indeed, the police long resisted the development of criminal victimization surveys, concerned that they would reveal differential reporting and would be too subjective. This emphasis on reported crime left invisible many crimes such as domestic assault, child abuse, extortion by armed robbers and drug gangs, and other crimes in communities that did not trust or have confidence in the police (Bureau of Justice Statistics, 1992, and Federal Bureau of Investigation, 1992).

It is also important that the measures that could have revealed the fairness and economy within which the authority of the police was deployed got less attention than the question of police effectiveness. There was no routine expectation that the police would publish data on patrol allocations, response times, or crime solution rates across neighborhoods.

Similarly, no serious efforts were made to develop statistical evidence on the incidence of brutality, excessive use of force, discourtesy, or corruption. In principle, one could have collected information about these things by soliciting civilian complaints and taking them as indicators of problems, if not probative of individual officer misconduct (U.S. Civil Rights Commission, 1981). Again, the argument, albeit flawed, was that unlike official crime statistics, such information was suspect and too subjective. Thus, in this area as elsewhere, the commitment to fairness and discipline in the use of authority was less important than the claim of crime control effectiveness.

Further, there was no real way to capture the quality of the response that the police made to citizen calls other than those involving criminal offenses for which an arrest could be made. In fact, most of the operational indicators implicitly viewed responding to non-crime complaints as something to be avoided and resisted rather than taken seriously. Measures included a comparison between time out of service and time in-service. In-service meant being on patrol, while out-of-service included meal breaks but also included meeting citizens and responding to their calls for service. Similarly, time spent on high-priority calls was compared with time spent on “nuisance calls.” The purpose was to reduce time on nuisance calls, despite the fact that it was these calls that could be used to build the relationship with the community that was necessary to make their current tactics effective in dealing with crime (Sparrow, Moore, and Kennedy, 1990).

Finally, there was no real way to account for or measure pro-active operations. The only way to do this was through monitoring specialized squads or units. Units were created to deal with particular problems, often on a temporary basis, without the establishment of a method

to capture the nature or extent of the units' activities. Similarly, there was no attempt to determine how much of the organization's resources was being committed to such pro-active operations (Bureau of Justice Statistics, 1992).

Reforming police performance measures

Orienting the agency to the community

Several options exist to reform police performance measures. First, existing measures could be improved to live up to the challenge of professionalism. This would include audited clearance and arrest rates and the development of statistical evidence on the use of force and the incidence of brutality, discourtesy, and corruption, among others. Second, performance measures could be linked more closely to action in the community, including the level of centralization and community-level programs. Under this structure, programs must be established that encourage calls to the police and evaluate calls to the police for service as well as concerns regarding criminal behavior. Measures should also include —

- police-related and inter-governmental activities that improve the social fabric of the community
- projects with the assistance of private industry that improve informal and formal social control in the community
- fear of crime
- victimization and police service programs that help promote community spirit in those neighborhoods where none existed.

Further, measures of the form and level of self-defense efforts by citizens and measures of trust and confidence in the police should be routinely taken and evaluated. Measures of the quality of service delivery by the police

should be taken to improve departmental functioning and reveal the quality of individual officers as reported by the citizens with whom they come in contact (Furstenberg and Wellford, 1973, and U.S. Civil Rights Commission, 1981).

Encouraging pro-active problem solving

One of the biggest problems in accounting for the performance of police departments is to capture what is accomplished during pro-active and problem-solving activities. One way to measure this concept is to view each problem-solving initiative as a particular program to be evaluated for its immediate impact. A second way to measure the impact is to view each as equivalent to a criminal investigation or special operation. In this way, a file is created, activities are monitored, and results recorded and evaluated.

The problem, of course, is that the problems come in different sizes. Size can be measured in terms of —

- 1) total resources committed to the problem
- 2) amount of time taken to solve
- 3) the number of specialized resources required
- 4) the extent to which higher-ranking officers must mobilize and coordinate efforts within and outside the department to deal with the problem
- 5) its importance and scale within the community.

One way to deal with these concerns is to develop a tailored program for individual areas. In other words, do not assume that each community has the same concerns or problems or that each community should respond similarly to certain problems. One product that would result from the effort to create, deliver, and measure these community-oriented programs and surveys is a data base on which a department or a division within a large department could

customize a pro-active or interactive problem-solving approach. Pressure to build a portfolio of problems solved successfully and improved attitudes toward the police could become as intense as current pressures to maintain low crime rates and quick response times.

Managing the transition to the new strategy

One of the most difficult problems faced by police managers in the short run is the awkward period of transition to the new strategy. The new programs will not be up and operating, and the new measurement systems will not be working and widely accepted. Yet the police will still be accountable to the public. Thus, they will have to develop measures that can keep them accountable during the transition.

One method is to identify the particular investments and efforts that are required to implement the new strategy of policing and report progress on these activities. If new training is required, they can report on the development of the new curriculum and the number of participating officers. If the formation of community groups is identified as important, that progress can be monitored and recorded. If the development of a new call management system or a new scheduling system is required, that too, can be monitored. The point is simply to identify and monitor the key organizational investments that are required. Unfortunately, no data sets exist on which to begin an analysis. The Bureau of Justice Statistics has compiled the most comprehensive data set (Law Enforcement Management and Administration Statistics — LEMAS) but its elements do not include many of the critical measures discussed in this paper (Reaves, 1992).

Toward a new strategy

The urgent need today in measuring police performance is to move away from a sterile conversation about performance measurement as an abstract technical problem and to understand it as a device that can be used managerially to shape the future of policing. This is neither a question of the essential unchanging measures that finally capture the value of policing nor a discussion of outcomes versus outputs nor a discussion of single versus multiple measures of performance. Instead, it is a discussion about a strategy of policing that will work in the future and how to measure its effects. Current measures of policing are holding police departments in their current mold and are keeping them mired in the past. These current measures need to be supplemented by innovative policing and new ways to measure their successes.

Our suggestion has several organizational elements that must be added to the traditional components already existing in many police departments. The police initiative must stress the need to learn about the residents and business people in their neighborhoods and to see them in situations that are not always defined as negative or at best neutral. This increased role for the police must include two basic approaches. First, a method must be devised to solicit information from members of the community. This method can incorporate meetings or citizens' advisory and focus groups with the police and can be enhanced by community surveys to determine attitudes and suggestions concerning the police and the police role. Another important dimension of this information gathering is the analysis of what Skogan has found to be measures of neighborhood decline and disorder (Skogan, 1990). Second, the police must use this information to reduce isolation between police and the citizens. The strategy is

to assign officers for an extended period, supervised by command staff and advised by community groups. This move toward stability will increase the identification of an officer with the residents, geography, politics, and other issues in a given neighborhood.

These operational elements require proper training, feedback mechanisms, and an institutionalized reward system. Additionally, it is important that these efforts are measured, analyzed, and evaluated by the police officers, command staff, and members of the public.

Neighborhood training

Neighborhood training involves two basic questions the police must answer according to the needs of each community or neighborhood: what to do and how to do it. In other words, the priority of police resources, whether fighting crime or providing social services, changes from neighborhood to neighborhood. Police officers must identify these needs from their own experiences and expectations, from the perspective of the consumers, and from that of the police administration. Neighborhood training can effectively inform the officer as to what he or she can expect from the residents, physical surroundings, or other influences. This in-service training can introduce officers to community characteristics while they are working the streets under a supervisor (in a way similar to a field training officer). What to do can be determined by problem-solving techniques. How to do it is the all-important style of policing that needs to be developed and supervised by command staff.

Distinct differences may exist among officers, administrators, and citizens concerning style. Matching the style of policing to community needs and requirements will improve both the

police and the community. This can be achieved through training based upon knowledge of community values and beliefs as well as the attitudes and priorities of police officers. A necessary aspect of this is the continuous dialogue between residents and the police. Research on attitudes, expectations and evaluation of services of both the police and the members of the community is critical.

Monitoring

The final component of this strategy includes institutionalized monitoring and a formal reward system. This requires an ongoing system to monitor both the community and the police. The needs of the community can be determined by periodic social surveys, which, if linked to census data and local planning information, can inform officials of the changing nature of a given neighborhood. While it is relatively easy to identify what constitutes negative behavior, it is difficult to specify exemplary behavior. The proper use of good research, including appropriate sampling and a panel design, could provide a clear snapshot of the needs expressed by a given community. Police officers and administrators can work together to identify critical questions and a research design that can answer them. A Blue-Ribbon Committee studying the Miami Police Department concluded that while crime-fighting activities are important, service activities are equally as important in term of the new paradigm. In the final report, the committee noted:

It is our conclusion that a minor organizational change can have a major impact on community relations and on the interrelationships between citizens and police. We believe that confidence in the police will be enhanced if the police measure and make more visible the activities

they perform. Moreover, police work is usually rewarded by the gratitude an officer receives from those whom he or she helps. Status in the department, promotions, raises, commendations, etc., rest largely on his or her crime-fighting activities, the number of arrests, crimes he or she solves, etc. As a result, the patrol officer may regard service calls as a necessary evil (Overtown Blue Ribbon Committee, 1984: 199).

These creative data, together with traditional law enforcement information, will permit the development and maintenance of neighborhood profiles. Analyzing and monitoring these profiles can assist the police in improving their training, tactical decisions, effectiveness and efficiency.

Rewarding the officers

Most police departments provide incentives for their officers. These include traditional promotions, merit increases, and “officer-of-the-month” recognition. Many departments offer several opportunities for their officers to receive or earn rewards. Traditionally, these rewards have been based upon aggressive actions that led to arrest(s), the capture of a dangerous felon, or some other heroic activity. These criteria for rewarding police officers are important and serve to encourage similar actions from others. Yet other types of police behavior deserve recognition but remain lost and hidden behind the visible, aggressive activities of police officers. Activities that should receive more attention include exemplary service to the community and the reduction or diffusion of violence. Those who provide meritorious service may be recognized but often their actions are lost behind the brave shooting incident or heroic rescue. The local community needs to recognize officers who serve their “beat” or neighborhood

in an exemplary fashion. A “Best Cop on the Block” recognition would be an important reward, if provided by local residents or merchants. When an officer avoids a shooting or talks a suspect into custody, his or her superiors may not find out; if they do, the officer may be labeled as a “chicken” or one who cannot provide needed back-up to his fellow officers. Nonaggressive behavior that reduces violence needs to be reinforced, rewarded, and established as the model for other officers to copy.

An institutional reward system should be established for officers who avoid or reduce violent situations and who avoid the use of force, especially deadly force, when avoidance is justifiable. When command officers, from the chief to the sergeants, support and reward violence reduction, private business and service groups can be enlisted to provide symbolic and monetary rewards for such behavior. The institutional support for the effective policing of a neighborhood can only encourage others to consider a change in priorities and style. While this is only one aspect of a neighborhood intervention and community evaluation model, it could serve as a successful step toward meeting the joint needs of the citizens and the police.

Data on these activities should be collected, assessed and evaluated to help determine police departments’ performance to do justice and promote secure communities.

Summary and conclusion

Police departments around the country have instituted one or more of the foregoing organizational components into community policing programs, but we are not aware of any agency that has incorporated them all or that uses many of these nontraditional performance measures. The components of the suggested program need coordination and individual assessment as well as analysis as a total effect.

Effective neighborhood policing requires that police administrators acquire adequate information on the specific neighborhood, including knowledge of the informal control structure of the neighborhood, attitudes about the police, and policing strategies and styles. This information can be obtained from citizen surveys, census data, community advisory groups, and community leaders. After accumulating the information, police administrators can decide how to deal with any incongruence between the neighborhood context and police policies, strategies, and styles. Some of these differences can be reduced by campaigns to educate the citizens and change public opinion and attitudes. In other cases, discrepancies can be reduced by training programs for officers who are assigned to the areas. The training can focus on neighborhood-specific strategies, appropriate styles for the specific neighborhood, and placing priorities on tasks consistent with the neighborhood's expectations. Subsequent to appropriate neighborhood-based training, police administrators need to create and institutionalize a system of monitoring and rewarding police officers' behavior. The police officers assigned to the neighborhood provide the final link integrating the formal control system of the police with the informal system in the neighborhood.

Officers must apply the training principles appropriately through their use of discretion.

From data collected from the neighborhoods, a good plan for neighborhood intervention and community evaluation can bring modern police work in line with our modern world. Moore and Kelling (1983: 65) have previously summarized these ideas quite well:

Police strategies do not exist in a vacuum. They are shaped by important legal, political, and attitudinal factors, as well as by local resources and capabilities, all factors which now sustain the modern conception of policing. So there may be little leeway for modern police executives. But the modern conception of policing is in serious trouble, and a review of the nature of that trouble against the background of the American history of policing gives a clear direction to police forces that wish to improve their performance as crime fighters and public servants.

The two fundamental features of a new police strategy must be these: that the role of private citizens in the control of crime and maintenance of public order be established and encouraged, not derided and thwarted, and that the police become more active, accessible participants in community affairs. The police will have to do little to encourage citizens to participate in community policing, for Americans are well practiced at undertaking private, voluntary efforts; all they need to know is that the police force welcomes and supports such activity. Being more visible and accessible is slightly more difficult, but hiring more “community relations” specialists is surely not the answer. Instead, the police must get out of their cars, and spend more time in public spaces such as parks and plazas, confronting and assisting citizens with their private troubles. This is

mundane, prosaic work but it probably beats driving around in cars waiting for a radio call. Citizens would surely feel safer and, perhaps, might even be safer.

Private citizens working together and through community institutions can have a profound impact on policing. Those community organizations and police agencies that have developed reciprocal relationships will enjoy more success than those attempting to work without the benefit of the others' knowledge and information.

The maintenance and analysis of administrative statistics can provide community members and police supervisors with performance outcomes that promote justice. Patrol officers can be in the best position to understand the varied and changing needs of the community, and with input from research and training, appropriate activities can be devised to do justice and promote safe communities and develop a new meaning for the phrase "professional policing."

Table 1

The mission of the police consists of many diverse activities, not objectives in themselves but which are directed toward the protection of life. Goals include doing justice, promoting secure communities, restoring crime victims, and promoting non-criminal options.

Police: Goals, methods, and performance indicators

Goals

Doing Justice. Treating citizens in an appropriate manner based upon their conduct.

Methods/activities

Balancing formal and informal social controls, responding to calls for service, patrolling tactics, issuing traffic tickets, conducting investigations, writing reports, making arrests, and assisting in criminal prosecutions.

Performance indicators

Nature and type of patrolling strategy, number of traffic tickets issued, known crimes that are cleared by audit or arrest, quality of reports, analysis of who calls the police, evaluation of policies emphasizing values over rules, time invested and quality of investigations, number of known crimes cleared by conviction, arrests and arrests cleared by conviction, cases released because of police misconduct, citizen complaints, lawsuits filed, and results of dispositions and officer-initiated encounters.

Goals

Promoting secure communities, enabling citizens to enjoy a life without fear of crime or victimization.

Methods/activities

Preventing/detering criminal behavior and victimization, problem-solving initiatives, training for community differences, assisting citizens by reducing fear of crime and victimization.

Performance indicators

Programs and resources allocated to crime prevention programs, inter-governmental programs, resources, both time and dollars dedicated to problem-solving, rewards and monitoring of police, public trust and confidence in police performance, public attitudes toward police actions and public fear of crime, and home and business security checks.

Goals

Restoring crime victims, by restoring victims' lives and welfare as much as possible.

Methods/activities

Assisting crime victims to understand the criminal justice system, assisting crime victims with their difficulties created by the victimization, assisting crime victims to put their lives back together.

Performance indicators

Number of contacts with victims after initial call for assistance, types of assistance provided to victims, including information, comfort, transportation, and referrals to other agencies.

Goals

Promoting noncriminal options, by developing strong relationships with individuals in the community.

Methods/activities

Develop and assist with programs that strengthen relationships between police and members of the community and among community members, increase human and social capital in the community and linkages with private industry.

Performance indicators

Programs and resources allocated to strengthening relationships between police and the community and among community members, including traditional community relations programs, school programs and resources spent to meet with the public in a positive alliance. Innovative programs to develop a sense of community, organizational measures of decentralization, community storefront operations and officer contacts with citizens for positive relations and feedback on performance are aspects of developing strong relationships with members of the community.

References

Alpert, Geoffrey, and Roger Dunham. *Policing Urban America*. Prospect Heights, Ill. Waveland Press. 1992.

Alpert, Geoffrey, and Roger Dunham. *Policing Multi-Ethnic Neighborhoods*. New York: Greenwood Press. 1988.

Alpert, Geoffrey, and William Smith. "Developing Police Policy: Evaluating the Control Principle." *American Journal of Police*. Forthcoming, 1993.

Bazelon, David. *Questioning Authority*. New York: Knopf. 1988.

Bennett, Trevor. *Community Policing in Britain*. Paper presented to the International Conference on Community Policing. Institute of Criminology, University of Heidelberg, Heidelberg, Germany. September 1992.

Bureau of Justice Statistics. *Crime and the Nation's Households, 1991*. Washington, D.C.: Bureau of Justice Statistics. 1992.

Bureau of Justice Statistics. *Sourcebook of Criminal Justice Statistics, 1991*. Washington, D.C.: Bureau of Justice Statistics. 1992.

Bureau of Justice Statistics. *Report to the Nation on Crime and Justice*, 2nd. Ed. Washington, D.C.: Bureau of Justice Statistics. 1988.

Cole, George. *The American System of Criminal Justice*. Pacific Grove, Calif.: Brooks/Cole Publishing Co. 1992.

Department of Justice. *Operation Weed and Seed: Reclaiming America's Neighborhoods*. Washington, D.C.: U.S. Department of Justice. 1991.

DiIulio, John. *Rethinking the Criminal Justice System: Toward a New Paradigm*. Washington, D.C.: Bureau of Justice Statistics. December 1992.

Federal Bureau of Investigation. *Crime in the United States 1991*. Washington, D.C.: United States Department of Justice. 1992.

Furstenberg, Frank, and Charles Wellford. "Calling the Police: The Evaluation of Police Service." *Law and Society Review* 7:393-406 (1973).

Gallup, George. *The Gallup Poll Monthly*, Report No. 318. Princeton, N.J.: The Gallup Poll. 1992.

Goldstein, Herman. *Problem-Oriented Policing*. New York: McGraw-Hill. 1990.

Greene, Jack, Geoffrey Alpert, and Paul Styles. "Values and Culture in Two American Police Departments: Lessons from King Arthur." *Journal of Contemporary Criminal Justice* 8: 183-207 (1992).

Kelling, George. "Measuring What Matters: A New Way of Thinking About Crime and Public Order." *The City Journal Spring* 2:21-34 (1992).

Metro-Dade Police Department. *Survey of African-American Males 15-30 Years of Age*. Metro-Dade Police Department. Miami: 1992.

Metro-Dade Police Department. "Jammin' with the Man" *Project Summary*. Metro-Dade Police Department. Miami: 1993.

Moore, Mark, and George Kelling. "To Serve and to Protect: Learning from Police History," *The Public Interest* 70: 49-65. 1983.

Overtown Blue Ribbon Committee. *Final Report*. City of Miami, 1984.

Petersen, Thomas. Personal communication. February 1993.

Reaves, Brian. *Law Enforcement Management and Administrative Statistics, 1990: Data for Individual State and Local Agencies with 100 or More Officers*. Washington, D.C.: Bureau of Justice Statistics. 1992.

Short, James F. *Delinquency in Society*. Englewood Cliffs, NJ: Prentice-Hall. 1990.

Skogan, Wesley. *Disorder and Decline: Crime and the Spiral of Decay in American Neighborhoods*. New York: Free Press. 1990.

Skogan, Wesley, and George Antunes. "Information, Apprehension and Deterrence: Exploring the Limits of Police Productivity." *Journal of Criminal Justice* 7 (1979).

Sparrow, M., M. Moore, and D. Kennedy. *Beyond 911: A New Era for Policing*. New York: Basic Books. 1990.

U.S. Civil Rights Commission. *Who's Guarding the Guardians?* Washington, D.C.: USGPO. 1981.

Walker, Samuel. *The Police In America*. New York: McGraw-Hill. 1992.

Whitaker, Catherine. *Crime Prevention Measures*. Washington, D.C.: Bureau of Justice Statistics. 1986.

Wilson, O.W., and Roy McClaren. *Police Administration*, 4th Edition. New York: McGraw-Hill. 1977.

About the authors

Geoffrey P. Alpert is Professor of Criminal Justice at the University of South Carolina and Research Professor, Institute of Public Affairs. He has been a Visiting Fellow at the Bureau of Justice Statistics and has served as the Director of Research in the Georgia Department of Corrections. He has extensive experience in criminal justice agencies and research. For the past 10 years, he has focused his interests on evaluation research. His research efforts include the evaluation of multi-ethnic policing, the police use of deadly force, the impact of indicators of unrest on the prevention of civil disturbances, how police pursuit driving policies affect outcome, the effect of social programs on keeping high-risk students in school, and the effectiveness of tactical narcotics teams. He has published more than a dozen books and monographs and has contributed to legal, sociological, and criminal justice journals.

Mark Moore is the Daniel and Florence Guggenheim Professor of Criminal Justice Policy and Management and Faculty Chairman of the Program in Criminal Justice, John F. Kennedy School of Government, Harvard University. For a decade he served as the Founding Chairman of the Kennedy School's Committee on Executive Programs. His intellectual interests lie in criminal justice policy, in public management, and in particular, the intersection of the two fields. He has led national "executive sessions" on the future of juvenile justice, policy, and prosecution.

In the domain of crime policy, he is the author of *Buy and Bust: The Effective Regulation of an Illicit Market in Heroin* and the co-author of *Dangerous Offenders: Elusive Targets; From Children to Citizens: The Mandate for Juvenile Justice*; and *Beyond 911: A New Era for Policing*. In the domain of public management, his co-authored works include *Inspectors-General: Junkyard Dogs or Man's Best Friend*; *Public Duties: The Moral Obligations of Public Officials*; and *Ethics in Government: The Moral Challenges of Public Leadership*.

Measuring Performance When There Is No Bottom Line

by John J. Dilulio, Jr.

The great scholar of American government, Wallace Sayre, promulgated the “law” that “public and private management are fundamentally alike in all unimportant respects.” Many leading thinkers — Graham T. Allison, Jr. of Harvard University and James Q. Wilson of UCLA, to cite just two — have echoed this view.¹

As Wilson has noted, to a “much greater extent than private bureaucracies, government agencies (1) cannot lawfully retain and devote to the private benefit of their members the earnings of the organization, (2) cannot allocate the factors of production (land, labor, capital)

¹See Graham T. Allison, “Public and Private Management: Are They Fundamentally Alike in All Unimportant Respects?” in Richard J. Stillman, III, ed., *Public Administration: Concepts and Cases*, Fifth Edition (Boston: Houghton Mifflin Company, 1992), chapter 10, pp. 282-288, and James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (New York: Basic Books, 1989).

in accordance with the preferences of administrators, and (3) must serve goals not of the organization's own choosing. Control over revenues, productive factors, and agency goals is all vested to an important degree in entities external to the organization — legislatures, courts, politicians, and interest groups.”²

With few exceptions, the human and financial resources of public managers are contingent upon the goodwill of legislators and other policymakers, not the goodwill of customers and other consumers. Relative to private managers, public managers in civil service bureaucracies have little discretion in hiring, firing, and promotion decisions; and, their ability to innovate — to change the way work gets done — is far more constrained.

Unlike most private corporations, most government agencies have no market-test of output. The managers of a smokestack company are out to turn a profit; the managers of the Environmental Protection Agency are out to “protect the environment.” The executives of television networks contrive to generate dividends for shareholders; the heads of the Federal Communications Commission contrive to regulate airwaves in “the public interest.” At most, public managers have proxies for outputs: for example, increasing weapons stockpiles as a proxy for “enhancing combat readiness” and “strengthening national defense.”

Thus, as Allison observes, there is “little if any agreement on the standards and measurement of performance to appraise a government manager, while various tests of performance — financial return, market share, performance measures for executive compensation — are well established in private business... Governmental managers

²Wilson, *Bureaucracy*, p. 115.

rarely have a clear bottom line, while that of a private business manager is profit, market performance, and survival.”³ Or, in Wilson’s words, “whereas business management focuses on the ‘bottom line’ (that is, profits), government management focuses on the ‘top line’ (that is, constraints).”⁴

Thus, the essential differences between public and private management are rooted in the nature of their respective goals. Basically, there are two types of goals: operational and nonoperational.⁵ An operational goal is an image of a desired future state of affairs that can be compared unambiguously to an actual or existing state of affairs. A nonoperational goal is an image of a desired future state of affairs that cannot be compared unambiguously to an actual or existing state of affairs.

Some examples are in order. “Keeping America first in space technology” is a nonoperational goal; “Putting an American on Mars by the year 2010” is an operational goal. “Improving the quality of public education in America” is a nonoperational goal; “Increasing the average verbal and math SAT scores of public school students by 20% between the year 1992 and the year 2000” is an operational goal. “Making America’s welfare system work” is a nonoperational goal; “Instituting work-based welfare programs that get 50% of all participants off the rolls in their first 7 years of operation” is an operational goal. “Reforming criminals” is a nonoperational goal; “Doubling the rate of inmate participation in prison industry programs” is an operational goal.

³Allison, “Public and Private Management,” pp. 285-286, summarizing the ideas of John T. Dunlop.

⁴Wilson, *Bureaucracy*, p. 115.

⁵I am indebted to James Q. Wilson for this distinction.

Generally speaking, public managers have nonoperational goals, while private managers have operational goals. Moreover, public managers often work in the context of multiple and contradictory nonoperational goals.

Correctional agencies and forestry services are two classic examples. For much of American history, correctional agencies were authorized to “punish, deter, incapacitate, and rehabilitate” convicted criminals. Most employees of the Federal Bureau of Prisons, for example, are “correctional officers” responsible for the “care and custody” of prisoners. By the same token, most employees of the U.S. Forest Service are “forest rangers” charged with “multiple-use management” (hunting, fishing, timber cutting, timber sales, fire prevention, flood control). The correctional officers are “social workers, prison guards, and managers” all rolled into one; the forest rangers are “executives, woodsmen, and planners” all rolled into one.⁶ In both cases, the multiple and contradictory nonoperation-

⁶For a discussion of correctional management, see John J. DiIulio, Jr., *Governing Prisons: A Comparative Study of Correctional Management* (New York: Free Press, 1987); *No Escape: The Future of American Corrections* (New York: Basic Books, 1991); and *Principled Agents: Leadership, Administration, and Culture in a Federal Bureaucracy* (New York: Oxford University Press, forthcoming). The best single account of forestry management remains Herbert Kaufman, *The Forest Ranger: A Study in Administrative Behavior* (Baltimore and London: The Johns Hopkins University Press, 1960). For a more recent look at the U.S. Forest Service, see Terrence J. Tipple and J. Douglas Wellman, “Herbert Kaufman’s Forest Service Thirty Years Later: From Simplicity and Homogeneity to Complexity and Diversity,” paper presented at the Annual Meeting of the American Society for Public Administration, Los Angeles, Calif., April 10, 1990, 26 pp.

al nature of the agency's goals renders inapplicable the much-misunderstood concept of efficiency.

Efficiency refers to a relationship between valued inputs and desired outputs: maximizing outputs from a given set of inputs, or minimizing the inputs necessary to achieve a given level of outputs. In many, perhaps most, government agencies, the relationship between valued inputs (people, money) and desired outputs (less crime, better public health) is ambiguous. Where goals are nonoperational, and the technologies necessary to achieve them are either uncertain, or completely unknown, or simply unavailable, the quest for a "bottom line" is a fool's quest. To the extent that goals are vague or inconsistent, the concept of efficiency is irrelevant.⁷ The concept of efficiency is thus irrelevant to many, if not most, public management tasks.

Defining and measuring nonoperational goals: What is to be done?

Because public management and private management are indeed fundamentally alike in all unimportant respects, it makes little sense to lament the fact that "government isn't run like a business," or to assume that government agencies are inherently less "efficient" than private firms.⁸ As Allison concludes, "the notion that there is any significant body of private management practices and skills

⁷I am indebted to Edward C. Banfield of Harvard University for this insight.

⁸For arguments and evidence that support this view, see Charles T. Goodesell, *The Case for Bureaucracy: A Public Administration Polemic*, Second Edition (Chatham, N.J.: Chatham House Publishers, Inc., 1985), and James W. Fesler and Donald F. Kettl, *The Politics of the Administrative Process* (Chatham, N.J.: Chatham House, 1990).

that can be transferred directly to public management tasks in a way that produces significant improvements is wrong.”⁹

It is yet possible, however, for public managers to strengthen the relationship between administration and goals, inputs and outputs, process and performance. The multiple and contradictory nonoperational character of most public management goals — the lack of a market-test of output in much of the governmental sector — is neither an immovable barrier to defining appropriate measures for the goals of public agencies, nor an inexhaustible excuse for the failure to do so. As Wilson notes, if someone set out to measure “the output of a private school, hospital, or security service, he or she would have at least as much trouble as would someone trying to measure the output of a public school, hospital, or police department. Governments are not the only institutions with ambiguous products.” In recent years, in fact, a number of major public policy reforms were launched as efforts to define appropriate measures for the goals of government agencies. There is no reason why the field of criminal justice cannot or should not follow suit.

A first step in defining appropriate measures for the goals of the criminal justice system is for practitioners to ask four questions:

- What do we want to achieve?
- What human and other resources do we have (or can we obtain) that might enable us to achieve it?

⁹Allison, “Public and Private Management,” p. 294.

¹⁰Wilson, *Bureaucracy*, p. 373.

¹¹One example is welfare reform; see Richard P. Nathan, *Social Science in Government: Uses and Misuses* (New York: Basic Books, 1988).

- How can we know the relationship between the levels and modes of our resource deployments, on the one hand, and the achievement of our goals, on the other?
- How can we measure routinely the extent to which we are achieving what we want to achieve, or moving toward achieving it?

These may seem like an incredibly obvious set of conceptual questions to ask, but they are ones that public managers have not asked with sufficient regularity or seriousness of purpose. This is true even in public management sectors like defense, where there has been no shortage of well-funded experimentation with different managerial approaches and performance-appraisal techniques.¹² It is even truer for a public management sector like criminal justice, where the occasions for such experimentation have been severely limited both by fiscal constraints and frankly, by intellectually hide-bound management traditions.

A second step in this direction is to *translate the agency's nonoperational goals into measurable process and performance criteria.*

In a recent volume, a group of public management specialists analyzed “impossible jobs in public management.”¹³ An “impossible job” is defined by —

¹²For a discussion of the need for operational concepts in defense planning, see Glenn A. Kent, *A Framework for Defense Planning* (Santa Monica, Calif.: The RAND Corporation, August 1989), especially pp. 21-24.

¹³Erwin C. Hargrove and John C. Glidewell, eds., *Impossible Jobs in Public Management* (Lawrence, Kansas: University Press of Kansas, 1990).

- agency goals that are multiple, contradictory, and nonoperational
- strong political cross-pressures by competing external constituencies who favor one or another of the agency's goals to the exclusion of the rest
- a lack of public confidence in the professional expertise of agency workers
- clients whose mental and behavioral characteristics make them difficult to serve. Examples include the jobs of contemporary big-city police chiefs, State mental health commissioners, public health commissioners, human services (welfare, Medicaid) commissioners, and corrections commissioners. Although they varied widely across time, place, political and organizational context, and nature of task, the reputationally successful public managers in these fields were found to employ certain "coping strategies," chief among them a strategy for translating nonoperational goals into measurable process and performance criteria.

An example from corrections: The Federal Bureau of Prisons

A good example of this strategy in action is the Federal Bureau of Prisons (BOP). Established in 1930 and situated in the United States Department of Justice, the BOP is a career civil service agency. It has long enjoyed a reputation as one of the finest correctional agencies in the country, and one of the best managed agencies of the Federal Government. Contrary to the "Club Fed" stereotypes of the agency, the BOP has not always enjoyed "a better class of criminals," been less crowded, spent more per inmate, or had a lower inmate-to-staff ratio than State systems of comparable size and complexity. Instead, its success in running safe, clean, programmatic, and cost-effective prisons has been the hard-won product of

management innovations made under five consecutive directors.

Historically, the core of the BOP management approach has been to translate its multiple, contradictory, and nonoperational goals (punish, deter, incapacitate, rehabilitate) into measurable process and performance criteria. For example, the agency's fourth director, Norman A. Carlson (1970-87), was an award-winning Federal executive. He self-consciously managed the agency around three criteria: *safety, humanity, and opportunity*. Essentially, safety meant the incidence of things that either threatened the physical and emotional well-being of inmates and staff, or placed the public at direct risk, or both (assault, homicide, escape). Humanity meant the incidence of things that made for decent living and working conditions behind bars (decent food, clean quarters, recreation). Opportunity meant the incidence of things that enabled inmates to better themselves (programs in remedial reading, job training, drug treatment). Thus, in the recent agency publication *Bureau of Prisons Goals for 1992 and Beyond*, we read: "The Federal Bureau of Prisons protects society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, and ... provide work and other self-improvement opportunities...."

Many correctional agencies have such mission statements. But few have actually managed themselves around measurable process and performance criteria as the BOP has done from 1930 to the present. A good contemporary example is the agency's *Key Indicators/Strategic Support System (KI/SSS)*. Begun in 1983 and carried out under Carlson's successor, J. Michael Quinlan (1987-92), the BOP has elaborated "safety, humanity, and opportunity" into KI/SSS, a personal computer-based management

information system that provides managers at all levels with comprehensive, up-to-date, system-wide information on a wide range of specific performance variables.

Invariably, such innovations begin with managers who —

- ask themselves basic questions about the relationship between what they want to achieve and what they actually do
- recognize the need to translate their agency's multiple, contradictory, and nonoperational goals into measurable performance criteria.

For example, in 1988, as the KI/SSS was still being developed, participants at the BOP's annual wardens' conference received a perceptive four-page progress report that read in part: "Unlike private agencies and companies, the Bureau of Prisons is expected to respond to a wide variety of overall objectives, often conflicting, often difficult to obtain.... The Bureau has stated that its mission is to provide humane control of inmates (and) ... opportunities to those inmates who choose to use them.... (W)e need to ... translate that broad goal into more specific measures."

Between 1983 and 1992, they did so, and it helped the agency to manage successfully a doubling in its prisoner population and a concomitant growth in the number of its staff and facilities.

The measurement net: How tight a weave?

Putting the example of the BOP to one side, but continuing for the moment with our focus on correctional agencies, the central question is "*How do we define a comprehensive set of appropriate measures for the goals of corrections that can be used on a day-to-day basis by the field's practitioners?*" The answer is far from obvious, but some progress

has already been made. The Study Group's Professor Charles H. Logan of the University of Connecticut has defined eight distinct "dimensions of the quality of confinement" (security, safety, order, care, activity, justice, conditions, management), each of which can be measured on four or more "subdimensions" via staff and inmate surveys and institutional records.¹⁴ Logan's work dispels one concern about the possibility of defining such measures and raises a second. On the one hand, it dispels the worry that any such measurement scheme is bound to be based exclusively on one or another moral or ideological view of the "ends of criminal justice." His quality of confinement measurements encompass and satisfy every major school of thought about "what prisons are for."

On the other hand, however, Logan mixes process and performance measurements in a way that may or may not represent the final state of the art. For example, his "security" dimension has six subdimensions: security procedures, freedom of inmate movement, community exposure, staffing adequacy, significant incidents, and drug use. Arguably, the first four of these security subdimensions are process measures, while the last two are performance measures. The same sort of indiscriminate mixing of process and performance measures is present in the BOP's aforementioned KI/SSS. Whether it is either intellectually worthwhile or practically useful to distin-

¹⁴Charles H. Logan, "Criminal Justice Performance Measures for Prisons," *Performance Measures for the Criminal Justice System* (Washington, D.C.: Bureau of Justice Statistics, 1993).

guish more cleanly between process and performance measures remains an open question.¹⁵

Be careful of what you measure, for you may (or may not) get it

But before one even begins to treat with such questions, at least four flags of caution should be waved over any effort to define appropriate measures for the goals of criminal justice agencies, or, for that matter, any governmental agencies.

First, it is naive to assume that what government agencies actually do on a day-to-day basis can be much affected by how, whether, or to what extent their managers define goals. In the preface to his study of administration in the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency (DEA), Wilson observes that the tasks of government workers “are supposedly chosen, defined, revised, or discarded as a result of efforts by administrators to achieve organizational goals,” but “tasks are defined by forces far more profound, and accordingly more resistant to change....”¹⁶

Second, even if what government agencies actually did was a simple function of how their goals were defined and

¹⁵For a general discussion of this issue that argues in favor of distinguishing process from performance measures, see John J. DiIulio, Jr., “Recovering the Public Management Variable: Lessons from Schools, Prisons, and Armies.” *Public Administration Review*, Volume 49, Number 2, March/April 1989, pp. 127-133.

¹⁶James Q. Wilson, *The Investigators: Managing FBI and Narcotics Agents* (New York: Basic Books, 1978), p. 8.

measured, that would not necessarily be a good thing in all cases. There is always a danger that measurement-driven government workers will, so to speak, “set up the target in order to facilitate shooting,” and give rise to perverse and unintended administrative routines. Criminal justice agencies furnish many examples: FBI agents of the Hoover era who padded “the stats” on bank robberies; DEA agents in the 1970’s who persisted in street-level “buy-and-bust” operations rather than more demanding investigative chores that might not succeed.¹⁷

Third, it is often the most dedicated and caring government workers who are anywhere from suspicious to downright dismissive of any attempt to define and apply such measures. For example, a hard-working veteran correctional counselor at a maximum-security prison dismissed the need for such measures and was heedless of what he judged to be the pseudo-intellectual justifications for them: “Experience on the ground is the only way to understand the effects of a place like this.” An equally dedicated co-worker of his stated: “I believe in this way of doing things. I’d do it this way even if it didn’t make any difference.”¹⁸ Similarly, a committed participant in a major community-policing demonstration project was perturbed by the suggestion that the study would help to define appropriate measures for the goals of police agencies: “It’s not about measuring anything, it’s about doing things differently.”¹⁹

¹⁷Wilson, *The Investigators*, especially chapter 5.

¹⁸Quoted in DiIulio, *No Escape*, p. 144.

¹⁹Interviewed for John J. DiIulio, Jr., “Crime,” in Henry J. Aaron and Charles L. Schultze, eds., *Setting Domestic Priorities: What Can Government Do?* (Washington, D.C.: The Brookings Institution, 1992), Chapter 4.

Fourth, even under the best of conditions, efforts to act on appropriate measurements of agency goals can be blocked by personnel regulations and administrative behavior within government. Unfortunately, there are many examples. In a recent study of the Federal procurement process, Professor Steven Kelman of Harvard University studied managers who sought to withhold contracts for poor performance and secure the best possible deal for the Nation's taxpayers; paradoxically, they were defeated by procedural regulations intended to promote competition in contracting.²⁰ In another recent study, Gerald J. Garvey of Princeton University had a similar tale to tell about change-oriented management within Federal regulatory bureaucracies.²¹

None of these cautions, however, should be sufficient to discourage one from exploring new and better ways of defining appropriate measures for the goals of criminal justice agencies.

²⁰Steven Kelman, *Procurement and Public Management: The Fear of Discretion and the Quality of Government Performance* (Washington, D.C.: American Enterprise Institute Press, 1990).

²¹Gerald J. Garvey, *The Challenge of Organizational Change: Living and Dying in a Federal Bureaucracy* (San Francisco, Calif.: Jossey-Bass, 1992).

The Problem of Defining Agency Success

by James Q. Wilson

For the most part, I agree with what DiIulio says in the first essay in this compendium, and I am generally sympathetic to the Study Group's ideas on performance measures for prisons and police departments. But let me reformulate the question this way: How can government agencies with nonoperational goals best develop performance measures?

The best way to approach this issue is to ask how private organizations with nonoperational goals (schools, colleges, hospitals) cope with the problem of defining success. In principle, they need not define it, for in a competitive market, success will be defined for them by survival or failure. The heads of most such organizations are unwilling to wait for this Darwinian verdict; instead, they try to anticipate it by looking at the following measures:

- Client satisfaction (student enrollments and tuition payments, hospital accounts receivable, and so forth).
- Donor contributions (Federal subventions, alumni donations, foundation grants).
- Employee attachment (the ease or difficulty with which the organization can recruit and retain skilled — or at least highly credentialed or well-thought-of — employees).
- Personal, up-close, or professional evaluations (impressions gained by executives as they move about the organization or read and hear the judgments of professional peers).
- Proxy measures of goal attainment (for example, percentage of high school graduates accepted at elite colleges, SAT scores, Medicare reimbursements, cure rates).

Two things need to be said about this list. First, the proxy measures at the bottom of the list are somewhat crude and quite easily misinterpreted. A very good inner-city high school may send few students to Princeton but may have many graduates who get jobs at Lockheed or the Bank of America. The number who do, however, may be unknown because no routine reporting system captures it and the employment decision may come a year or two after graduation. In a hospital, the percentage of admitted patients who get better, given a certain disease, may say more about the personal habits and self-care of the patients than about what the hospital does. As the government increasingly subjects private agencies to constraints experienced by public agencies, private organizations are forced to place greater weight on crude proxy measure-

ments like the ones mentioned above because the government places great weight on them.

Second, the executives of private organizations have more opportunity to engage in personal exploration of their organizational environment — so-called “soaking and poking” (soaking up information and poking into corners) — than do their public counterparts. This greater opportunity is because of three factors:

- On the average, private organizations are smaller than public ones (both in total size and in size of the overhead staff that must be managed).
- Private executives need to spend less time satisfying external political demands than do the heads of public agencies.
- The compensation and tenure of private executives are more variable than those of public executives, and so the former have a greater incentive to find ways of anticipating (and, if necessary, correcting) adverse market trends. Good executives can be found among public agencies, but they are rarer. For example, the principals of more effective public schools are almost invariably ones who engage in a great deal of soaking and poking and who devote a lot of effort to student and teacher motivation. The literature on this subject makes it clear that this is not routine behavior for principals and often requires for its existence strong, even eccentric, personalities.

The case of big city police agencies

Most of the efforts to improve performance measures for policing have concentrated on finding either real measures

of overall effectiveness or plausible proxy measures. Not much has come of these efforts for reasons that should be obvious. There are no “real” measures of overall success; what is measurable about the level of public order, safety, and amenity in a given large city can only partially, if at all, be affected by police behavior. (For example, if the murder or robbery rates go up, one cannot assume that this is the fault of the police; if they go down, one should not necessarily allow the police to take credit for it.) Proxy measures almost always turn out to be process measures — response time, arrest rates, or clearance rates — that may or may not have any relationship to crime rates or levels of public order.

In my view, the search for better measures of police performance is doomed to failure so long as it focuses on city-wide or even precinct-wide statistics. Most police chiefs will agree on this point, I think. No matter how we improve the Uniform Crime Reports (UCR) or the National Crime Victimization Survey (NCVS), they will not tell us very much (and certainly not very much in a timely fashion) about what difference the police make in the lives of the citizens.

Nor can most of the other devices available to private firms be applied to policing. There are no client payments or donor contributions; police appropriations tend to reflect fiscal constraints and past funding levels modified, from time to time, by generalized concerns over crime increases and police misconduct. Professional evaluations are not very reliable; policing is not a profession with clear standards enforced by knowledgeable peers, except on the rare occasions when an outside group is brought in to evaluate a department in trouble. But small-scale soaking and poking may be applicable.

These considerations lead me to suggest that the better approach to defining police goals and performance measures involves thinking small and from the bottom up.

Let me clarify this suggestion by asking what citizens want that is related to police behavior. They want several things, but in the interests of brevity I will focus on just one.¹ People want to live in safe, orderly neighborhoods. Wesley Skogan has shown in his recent book that there is a high degree of consensus across demographic categories as to what a safe, orderly neighborhood is.² It includes streets free of drug dealers, rowdy juveniles, threatening derelicts, soliciting prostitutes, and predatory criminals; buildings without graffiti or other signs of decay; no drive-by shootings, and so forth.

The police ought to make the production of safer, more orderly neighborhoods (not lower crime rates or more drug arrests or more traffic tickets) one of their goals. They ought to design ways of assessing the conditions of neighborhoods before and after various police interventions. They ought to use that assessment to modify their deployments and tactics.

Adopting this view implies certain actions, none easy but none impossible:

¹I omit fair play, civil behavior, prompt response, and many other important factors. Taking all these into account would complicate my argument but not change it.

²Wesley G. Skogan, *Disorder and Decline: Crime and the Sprawl of Decay in American Neighborhoods* (Berkeley and Los Angeles: University of California Press, 1990).

- Categorize all neighborhoods by two criteria: ³
 - What is the level of disorder and danger?
 - How amenable is that level to improvement by a given, feasible level of police and public action? (Some neighborhoods are almost self-policing and require only police response to calls for service. Some are almost beyond repair, given feasible levels of intervention, because they are highly transient or have other problems contributing to decay. Some are amenable to improvement, provided existing resources are carefully used.)

- Specify as concretely as possible the features of a given neighborhood that are strategic and must be improved if the quality of life is to be improved. For example:
 - A landlord who allows his building to be used by drug dealers
 - A deli or spa that allows teenagers to hang out in front of it in ways others find threatening
 - A bar that is the scene of frequent brawls
 - A public housing project with poor maintenance and security

³I do not here define “neighborhood.” This is an important issue that cannot be resolved conceptually. In rough terms, a neighborhood is what people think it is. The size and shape will vary from place to place and be affected by natural boundaries (for instance, parks, street-car tracks) institutions (grammar schools or shopping centers or churches), ethnic composition, and traffic patterns. I wish to stress that the area should be relatively small and its boundaries easily understood by most people living there.

- A bus or subway stop that is dominated by aggressive panhandlers or homeless people sleeping on public benches
 - A residential burglary gang that is working the neighborhood
 - A park that is the scene of muggings and rapes.
- State the methods to be used to remedy the situation (for instance, filing nuisance abatement charges against the landlord, meeting with the teenagers and the deli owner about how the sidewalk is used, arranging to expel disorderly public-housing tenants, using saturation patrol for a limited period, stationing uniformed officers next to suspected drug dealers, and so forth).
 - Put in place a micro-level measure of success. These might include the following:
 - Tracking calls for service from a specific address or its immediate neighbors
 - Hiring a resident to make regular observations of life on the street by, for example, at stated intervals counting the number of panhandlers, suspected drug dealers, sleeping vagrants, soliciting prostitutes, and so on
 - Conducting a telephone survey of residents (using random-digit dialing to minimize sample selection bias) to assess their perceptions before and after the intervention.

These micro-measures are likely to be among the few valid measures of police performance. They may well lead to conclusions quite at variance with city-wide, aggregate data. For example, the “crime rate” might be getting worse

at the same time that the conditions of life in neighborhoods has measurably improved, or vice versa.⁴ For a thoughtful and more detailed proposal along these lines, the reader should consult a recent essay by George Kelling, especially his account of Operation Crossroads in New York City's Times Square.⁵

Just as important as the measures themselves will be the requirement that the police agency define its operational goals as improving the conditions of life in specific neighborhoods. The attentive reader will have noticed that this way of defining police goals is similar to what many advocates of community-oriented policing (COP) propose. This is not an accident. But my argument is not that COP has such mystical, ideological, or historical importance that it ought to govern police decisions as a matter of principle. My argument is that if the police are serious about defining goals and measuring progress toward them, they will inevitably have to do so by identifying problems relevant to citizen concerns at the neighborhood level, specifying possible solutions, and measuring the effect of those strategies. This is what is meant by problem-oriented policing (POP) which, in my view, is the heart of COP

⁴Some will object that neighborhood measures ignore spillover effects. Up to a point, that is true. But such evidence as we have on burglary and robbery, drug-dealing, and other offense suggest that the displacement of crime from one area to the next is usually much less than 100%. A lot will depend on the mobility of offenders, and that will be constrained by ethnic identity, profit opportunities, the desire for local "cover," the threats of rival gangs elsewhere, and the depressing effect of laziness and/or opportunism.

⁵George Kelling, "Measuring What Matters," *The City Journal* (Spring 1992), 21-33.

and what makes POP (and COP properly defined) different from police-community relations.

Note the parallels between POP and the More Effective Schools (MES) literature. Both focus on small spaces (neighborhoods, individual schools); both require the identification of specific problems (unruly teenagers, gang fights, and so forth); both can be evaluated only by specifying significant changes in the behaviors of particular people (fewer fights, quieter classrooms); both try to improve the preconditions of better lives (safer neighborhoods, more orderly classrooms) without directly attacking ultimate outcomes (crime rates, SAT scores) which have multiple causes; both require that the executive (police captain, school principal) spend a lot of time observing and talking to the affected people. And, a final parallel: only a minority of police chiefs (like the minority of school officials) are likely to want to do these things.

About the author

Since 1985 James Q. Wilson has been the James Collins Professor of Management at the University of California at Los Angeles (UCLA). Before that he was for 26 years the Shattuck Professor of Government at Harvard University. He is the author or coauthor of 13 books, including *The Moral Sense*, *Thinking About Crime*, *Varieties of Police Behavior*, *Political Organizations*, *Crime and Human Nature* (with Richard J. Herrnstein), *Bureaucracy*, and *Essays on Character*. He has in addition edited or contributed to books on urban problems, government, regulation of business, and the prevention of delinquency among children, including *Crime and Public Policy*, *From Children to Citizens: Families, Schools, and Delinquency Prevention* (with Glenn Loury), *Understanding and Controlling Crime* (with David Farrington and Lloyd Ohlin), and *Drugs and Crime* (with Michael Tonry).

He has served on a number of national commissions concerned with public policy. He was chairman of the White House Task Force on Crime in 1966, chairman of the National Advisory Commission on Drug Abuse Prevention (1972-73), a member of the Attorney General's Task Force on Violent Crime in 1981, a member of the President's Foreign Intelligence Advisory Board (1985-90), and a director of The Police Foundation (1970-93).

He is currently chairman of the board of academic advisers of the American Enterprise Institute.

He has been elected a member of the American Academy of Arts and Sciences and a fellow of the American Philosophical Society. In 1990 he received the James Madison award for distinguished scholarship from the American Political Science Association and in 1991-92 served as that organization's president. Educated at the University of Redlands (A.B., 1952) and the University of Chicago (Ph.D., 1959), he has received honorary degrees from five universities. He grew up in Long Beach, Calif., and attended public schools there. From 1953 to 1955, he served in the U.S. Navy. He is married to the former Roberta Evans; they have two children.