



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D. C. 20548



GENERAL GOVERNMENT
DIVISION

JUL 3 1978

Mr. James M. H. Gregg
Assistant Administrator, Office
of Planning and Management
Law Enforcement Assistance
Administration

Dear Mr. Gregg:

The General Accounting Office recently concluded a survey of the Law Enforcement Assistance Administration's (LEAA) program, entitled "Corrections Initiative: Experiment in Restitution." The objective of the program was to determine the conditions under which restitution would be an effective tool in dealing with offenders in the criminal justice system.

We conducted this survey at LEAA Headquarters, at four of the seven restitution projects included in the experiment--Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado; and Portland, Oregon--and at the Criminal Justice Research Center in Albany, New York. We performed our fieldwork between December 1977 and March 1978.

Weaknesses in planning and managing the experiment, difficulties in implementing the projects, and failure to develop sufficient research data will prevent accomplishment of the experiment's objective. LEAA did not:

- Assure itself that all program participants were aware of and agreed to the program's objective before the grants were awarded.
- Make sure that participants understood the methods that were to be used to achieve the objective.
- Assure that the grantees had adequate procedures to obtain the required staffing and funds.
- Monitor projects so that ineffective projects can either be provided with assistance or terminated in a timely manner.
- Select the program evaluator before project grants were awarded to facilitate the provision of technical assistance.

These matters are discussed in detail in the enclosure to this letter.

We discussed our findings and observations with officials in LEAA's Office of Criminal Justice Programs (OCJP) and in the National Institute of Law Enforcement and Criminal Justice who are responsible for managing the experiment. In response, these officials are taking actions to

- terminate two of the projects,
- place tighter requirements, conditions, and controls over three other projects, and
- develop plans to strengthen pre-award procedures for future grants.

Because of the action taken and the limited nature of our survey, we are not making any recommendations. We would appreciate being advised of any further action taken as a result of the information contained in this report.

A copy of this report is being provided the Attorney General. We appreciate the cooperation and courtesy extended to us by your staff during the survey.

Sincerely yours,



Daniel F. Stanton
Associate Director

Enclosure

SURVEY OF LEAA'S RESTITUTION EXPERIMENTBACKGROUND

LEAA first funded a restitution project in 1972 when the Minnesota Department of Correction was awarded a \$94,000 grant to develop a residential restitution center for parolees. As of early 1978, 72 grants totaling about \$9.3 million had been awarded for restitution projects.

In February 1976, OCJP^{1/} and the National Institute jointly announced plans to fund and conduct a 24-month restitution experiment. According to LEAA, this funding scheme represented a new, innovative approach to evaluation research in that the evaluation would be conducted simultaneously with the operation of grant programs. LEAA refers to this approach as an action-research program. Also, this was the first time the two offices had jointly sponsored an action-research program.

In its announcement to potential applicants, OCJP stated that the total restitution program and evaluation effort addresses the question: "Under what conditions will restitution be an effective tool in dealing with offenders in the criminal justice system?" The National Institute labeled this purpose as the principal research question underlying the entire evaluation effort. Furthermore, OCJP stated that, because the initiative was based on an action-research experimental model that seeks to produce useful information and data,

- an evaluator would work with the agency selected,
- priority would be given to applications which incorporate feasible experimental control designs, and
- the selection criteria would include the extent to which applicants proposed to use chance or the random method of selecting eligibles and assigning them to comparable experimental and control groups.

The program announcement did not specify the type of experimental design to be used, but did state that the selected evaluator would devise the design and orchestrate its implementation at each experiment site.

The programs and the evaluation were to begin October 1, 1976, and to continue for 2 years.

^{1/} Formerly Office of Regional Operations (ORO).

Beginning in September 1970, CCJP awarded discretionary grants totaling about \$1.6 million to seven States to operate restitution programs. Simultaneously, the National Institute awarded a \$367,000 grant to the Criminal Justice Research Center (evaluator).

The seven projects operate at varying levels or settings within the criminal justice system. The following table shows the amounts LEAA funded and the grantee for each project.

<u>Projects</u>	<u>Amount</u>	<u>Criminal justice system level</u>
Sacramento, California Department of Corrections	\$ 220,496	Parole Revocation
Denver, Colorado Commission on Criminal Justice	250,000	Parole/Probation Work Release
Hartford, Connecticut Judicial Department	288,000	Probation/Superior Courts/ County Common Pleas Court
Atlanta, Georgia Department of Offender Rehabilitation	356,195	Probation/Circuit Courts
Augusta, Maine Criminal Justice Planning and Assistance Agency	169,104	Probation/Superior and District Court
Boston, Massachusetts Parole Board	97,435	Parole/Work Release
Portland, Oregon Multnomah County Office of District Attorney	<u>215,769</u>	Probation/District Attorney Office
	<u>\$1,596,999</u>	

Essentially, LEAA asked the evaluator to: (1) study, describe and evaluate the seven projects and produce a body of scientifically derived knowledge about restitution and (2) analyze and present data in such a way as to provide reliable information and guidance for ongoing and future research and planning in the restitution area. The evaluator was to answer specific questions relating to

- appropriateness of the types of offenders, victims and incidents involved in payment of restitution to include characteristics related to success;
- how the restitution projects operate;

- the effectiveness of restitution and its effect on offenders, victims, and the criminal justice system; and
- the cost effectiveness of restitution as compared to other criminal sanctions.

PROGRAM GOALS AND OBJECTIVES
WILL NOT BE MET

According to the evaluator, the key to a successful evaluation was the use of the true experimental design--random selection and assignment of offenders to comparable experimental and control groups. LEAA and the evaluator selected the random experimental design because they believed it was the best method to produce reliable and valid conclusions about restitution. In a workplan submitted to LEAA, the evaluator stated that "the advantage of random allocation is to increase our confidence that any differences discovered between the two groups at a later stage can be attributed to the experimental treatment (restitution), rather than any initial differences between the groups."

Although LEAA and the evaluator were aware of the need for and compliance with "the true experimental design," LEAA failed to adequately communicate this need to the grant applicants. As a result the applicants generally were not aware of the experimental design expectations or of the data collection needs. Even though the proposals did not meet the program's needs, seven were approved with the expectation that they could be molded to fit the program's objectives. During this molding process, it became evident that these objectives were in jeopardy because the grantees either

- had poorly designed plans which did not respond to the evaluation and research aspects of the program,
- had not secured the approval and cooperation of other State agencies that would be involved in the program, or
- had insufficient staff and/or funds.

The projects reformulation continued throughout the program. Some grantees never met the program objectives. Others were still trying as of March 1978. However, as of that date, with only 6 months to go, it appeared that none of the seven projects would meet the program's goals in terms of the number of program participants or its objectives in terms of measuring the effectiveness of restitution as a corrections tool.

When the experiment terminates on September 30, 1978, the evaluator will not be able to reach conclusions regarding the effectiveness of restitution at different points in the criminal justice system, which is

one of the experiment's primary purposes. The evaluator told us that most likely, it will only be possible to describe each project and quote statistics such as how much restitution was ordered and paid, and the numbers of participants.

Some of the problems in planning and managing the experiment are discussed in more detail in the following sections.

Program announcements and guidelines were not clear

Some grantees were confused as to whether the experimental design was actually a grant condition. In its February 1976 announcement, OCJP did not adequately explain to prospective applicants what it meant by the statement that the experiment "is based on action-research experimental model." Consequently, some project officials were not sure whether the experiment's main purpose was to conduct research or to provide client services. Also in the announcement, OCJP did not explicitly state that applicants were required to use an experimental design, but said that one of the selection criteria was the "extent to which" the applicant will use chance or the random method for development of experimental and control groups.

As a result, individual grantees were not fully aware of the experimental design expectations and data collection needs for the national evaluation. According to the evaluator, the majority of grantees paid little attention to evaluation matters in writing their proposals. Oregon and Massachusetts officials told us that they were not aware that LEAA required the experimental design since the LEAA announcement did not explicitly state it was required. The special conditions attached to the grants stated that such an experimental design might be required. The Georgia project director said that he understood at the time he wrote the proposal that LEAA required such a design, but that based on past experience he never believed LEAA would enforce it.

Adding to the confusion was the selection of the evaluator simultaneously with the selection of the seven grantees. The evaluator was funded without having any information on the goals, objectives, and operations of the individual projects to be evaluated. Also the evaluator had no opportunity before award of the grants to assess data potential at each project and to ascertain if the support and cooperation of key decisionmakers had been obtained. LEAA's decision to simultaneously select the evaluator and the grantees contributed to delays in program implementation and data collection for several months until the two parties established operating procedures and agreed on the experimental design.

LEAA officials told us that in a second restitution experiment, which is currently being planned, the evaluator would be selected before the award of the grants and would provide assistance in

- reviewing and selecting proposals;
- visiting selected sites to determine realistic estimates of participants, access to data, and design compliance; and
- helping agencies implement their programs.

Proposals and workplans should not
require extensive revisions

LEAA selected proposals that did not adequately address the experimental objectives of the program nor provide adequate procedures for program development, implementation, and operation. In April 1976, LEAA received 21 proposals in response to its program announcement. A selection committee consisting of LEAA personnel had outside consultants select 8 of the 21 proposals. One State later dropped out because the State planning agency failed to support the program. The LEAA program monitor said that they selected proposals that represented different points in the criminal justice system where they thought restitution would work. We could not review the selection committee's decision because LEAA did not require it to prepare and maintain written records. LEAA should document the basis for selecting proposals in the second experiment.

The LEAA program monitor told us that even though the selected proposals, with the exception of Georgia's, were somewhat less than desired, they decided to award the grants with special conditions hoping that by allowing the projects a 4-month planning phase, they could revise their proposals to meet the experiment's objectives.

In May 1976, LEAA notified the selected projects that their applications had been reviewed and would be further processed if certain amendments were made, such as

- responding more directly to the program's evaluation and research objectives, and
- eliminating activities unrelated to restitution.

Apparently, the amended proposals received by LEAA were also inadequate. One consultant that reviewed Oregon's amended proposal commented in a July 1976 letter to LEAA that "the applicant gives an indication of lip service only with respect to random selection in any meaningful sense." The consultant suggested that LEAA clarify before award that the experimental design will be used. He also recommended that LEAA attach special conditions to the grant to enforce compliance with the design and to provide time for a planning phase.

Upon awarding the grants, LEAA attached several special conditions to each. Included in these conditions were that each site

- participate in the national evaluation that "might" include chance or random selection, and
- submit a revised workplan in 75 days.

None of the projects were able to provide LEAA adequate revised work plans within the 75-day period. Georgia and Oregon's revised work plans which were subsequently approved, were not submitted until 126 and 144 days, respectively, after the beginning of the grant period. The other five projects were still revising their work plans or awaiting LEAA approval of their latest revision at the time of our survey.

Proposals and plans did not
address experiment goals

After the evaluator made its first site visits to the seven projects, it reported in December 1976 to LEAA that "following the round of visits it became apparent that few of the original seven proposals bore any resemblance to what will actually be done at each site." The evaluator reported further that most of its time during these visits was devoted to assisting site personnel in clarifying programmatic difficulties. In addition, the evaluator stated that

"It was readily apparent that research questions could not be addressed meaningfully until the practical implementation and operational problems were clear to the site personnel. In some sites, the programmatic questions to be resolved were so central to even the feasibility of operations that Evaluation staff were forced to assume the role of planning consultants."

The evaluator further reported to LEAA that it had to clarify program difficulties and in some cases completely reformulate original grant proposals, and that such activity had taken time that had been allotted for direct evaluation. For example, it noted that prior to award of the grants, four projects--Connecticut, Massachusetts, Oregon, and Georgia--had not established adequate eligibility criteria for offenders that were to participate in the program. Also, it reported that at the time of the award Maine had not decided which of three agencies would control the grant.

Other criminal justice agencies
were not consulted before award

LEAA awarded the grants without first providing for the projects to receive the cooperation of other state and local criminal justice agencies whose cooperation would be essential to meeting the program's

objectives. Five of the seven projects were either delayed or precluded from starting because they failed to obtain such cooperation.

The Connecticut, Georgia, and Maine projects did not discuss the experimental design purpose and procedures with judges before they implemented their restitution programs. According to the evaluator, Connecticut project officials never fairly and objectively presented the need for an experimental design to the judges. Thus, they could not establish an adequate control group. Georgia project officials discovered in April 1977 that judges in that State ordered restitution in virtually all eligible cases--thus preventing assignment of some offenders to a control group. The Georgia project director said that he did not know beforehand that Georgia judges had used restitution extensively for several years. According to the evaluator, Maine project officials had difficulty gaining cooperation from judges and district attorneys.

In Massachusetts, the concern of the project's parole board members and parole officers about the ethics of using an experimental design delayed the start of the project by 3 months. The Colorado project had difficulty obtaining the cooperation of the State Department of Corrections for release of offenders, causing further problems to a project already 1 year behind schedule.

Prior to making an award, LEAA should ensure that applicants have made the necessary arrangements to receive the cooperation of other criminal justice system officials who will be making key program decisions, such as judges, prosecutors, and parole board members.

Project staffing was not adequately planned and approved before award

As late as May 1977, 8 months after grant award, at least five projects were still experiencing personnel problems that hampered program operations. Factors causing the problems included lack of State matching funds, slowness in recruiting and hiring, and frequent turnover in project management.

Two projects, Massachusetts and Maine, were still experiencing personnel shortages at the time of our survey. The Massachusetts' research analyst was planning to resign in April 1978, and as of March 1978, the State had not filled three vacant parole officer positions essential to the program. The Maine project has had three project directors. The following excerpts from the evaluator, LEAA, and State reports further summarize project staffing problems:

- Slowness in recruiting staff contributed to a 3-month delay in project implementation in California.
- Connecticut, at May 1977, was experiencing a 4-month lag due to staff recruiting and hiring. The grant proposal author

had acted as project director early on but is no longer affiliated with the project. As a result of no communication between that person and the new director, much progress dealing with issues was lost in the transition.

--Colorado did not hire a project director until May 1977-- 8 months after the grant period began. The State did not provide matching funds until July 1977. In August 1977, the evaluator was hired, and the rest of the staff the following September, October, and December.

--From February 1977 through December 1977, the Oregon project was at least one staff member short at all times. Three persons have served as the restitution monitor, two as the project's legal clerk, and two as the local site evaluator.

LEAA should ensure, before grant award, that prospective grantees have made adequate arrangements to staff the project and follow-up to determine whether established procedures are being followed.

Projects fail to produce research data

Each project agreed as a condition of its grant to meet, during the life of the experiment, a certain caseload goal--numbers of offenders randomly assigned to experimental and control groups. The projects were to provide the evaluator with research data on offenders, victims, incidents, etc. that would enable it to draw valid conclusions about the effectiveness of restitution as a corrective tool. However, all projects have fallen far short of their agreed upon goals, and as of March 1978, with only 6 months remaining in the experiment, it did not appear that the goals would be met. Without an adequate number of program participants, sufficient meaningful research data is not available to the evaluator. Therefore, valid conclusions about the effectiveness of restitution cannot be drawn.

ENCLOSURE

ENCLOSURE

The following table shows the status of each project at the time of our survey.

Project	Start-up date	STATUS				Cases
		Months in progress	Completed	Abandoned	On hold	
California	10/1/76	15	22	200	10	1
Colorado	10/1/76	15	5	100	11	1
Connecticut	10/1/76	13	5	1,200	14	20
Georgia	10/1/76	13	5	500	1	20,111
Maine	10/1/76	13	5	175	40	10
Massachusetts	10/1/76	13	5	250	37	5
Oregon	10/1/76	13	5	1,300	102	50

- a/ Includes only experimental and control cases selected under strict experimental design procedures that can be used by the evaluator for experimental purposes.
- b/ Includes cases processed by projects that cannot be used for the experiment because they were not accepted into the program under the random experimental design as required by LEAA.
- c/ Terminated voluntarily 12/31/77 because new State determinate sentencing law reduced client intake.
- d/ Did not have a comparison control group because judges orders association in virtually all control cases. However, some offender data on experimental cases can be used by evaluator.
- e/ Oregon officials estimate they will have processed 1,175 cases by the end of the grant period.

LEAA DID NOT TAKE TIMELY ACTION
IN DEALING WITH DELINQUENT PROJECTS

Although LEAA officials were aware of the grantees' lack of progress they failed to take timely action to either correct the problems or terminate the projects.

Shortly after the start of the experiment in November 1976, LEAA learned that the California project's potential effectiveness had been thrown in doubt by a new State law. The law, which became effective July 1, 1977, significantly limited the project's potential. Client intake because it reduced the pool of eligibles and the incentive for offenders to participate. However, LEAA did not take any action. The project voluntarily withdrew from the experiment in December 1977.

In Colorado, legislation was not passed to provide the required State matching funds until July 1977--9 months after grant award. Since

matching funds was one of the conditions of the grant award, LEAA officials should not have allowed that much time to elapse without taking any action. Colorado officials agreed with us that LEAA could have terminated their project at least by April 1977, at which time the project had not even started.

In May 1977 Georgia officials and the National Evaluator notified LEAA officials that they could no longer maintain the experiment design. However, no action was taken by LEAA. Georgia continued in the program even though the data produced by the project had limited research value.

In addition, LEAA took no action to resolve problems in Connecticut, Maine, and Massachusetts even though they could not adhere to the experimental design and/or maintain an adequate caseload within the design.

We believe that LEAA should closely monitor its programs to assure that they are meeting goals and objectives. Those programs that are not meeting those objectives should be dealt with in a timely manner so that corrective action might be implemented. Projects that cannot or will not meet the objectives should be terminated.

After we discussed our findings with LEAA officials, they took the following actions:

- Notified Connecticut project officials that their grant would be terminated as of June 30, 1978.
- Entered into an agreement with Maine officials to terminate their grant effective June 30, 1978.
- Notified Massachusetts project officials to increase client intake and hire one parole officer by May 30, 1978, and to document the increased caseload by July 15, 1978, or face grant termination as of September 30, 1978.
- Informed Colorado State planning agency officials that it would entertain a request for a no-cost extension provided project officials process a total of 30 clients by May 15, 1978, and maintain a minimum of 20 each month through July 1978.
- Reprogrammed \$500,000 which had been set aside for continuation funding of selected restitution programs.