
Performance Measurement

APPENDIX C

Developing goals, objectives, and performance measures allows an agency to evaluate and measure the level of service it provides. In this appendix, we briefly describe what performance measurement involves and its value. Then we list the measures of performance that we used in this review and that local governments may choose to use in their own self evaluations of prosecution.

THE VALUE OF PERFORMANCE MEASUREMENT

Measuring performance forces agencies to present clear goals and priorities for their office. The actual yardsticks an agency uses to measure its performance provide quantifiable information on its impact, efficiency, and effectiveness. Information from measuring performance allows agencies to make strategic, more informed decisions about their own procedures. Performance measurement provides a record to show what value a department is getting for the dollars it spends on prosecution.

Used over time, performance measures can help an office identify both achievements and areas needing improvement. Measures can also help an agency justify spending requests by demonstrating its real needs with actual data about caseloads, personnel, and other resources in the prosecution process. Moreover, with the information gained from measuring performance, prosecutors will be better equipped to communicate the actual results of their work to elected officials and the public.

Measuring performance yields practical information to an office about its service delivery. The indicators of performance listed in this appendix can serve as tools for local governments to track their own achievements and assess the quality of their service delivery.

We wish to neither underestimate the enormous task involved with measuring performance of governmental functions nor imply it can be done quickly. Performance measurement can be particularly difficult when the results of a program are not easily quantifiable and cannot be easily measured. In addition, the use of some measures in isolation could actually lead to unintended consequences. Care must be taken to prevent a situation where, for example, an office's sole objective is to increase as much as possible the number of cases it charges without regard for the seriousness or soundness of cases, the workload, and available resources.

To be useful, the process generally requires an initial investment of time to develop appropriate measures and ongoing resources to measure actual results over time and manage appropriate responses to them. Support from agency leadership is crucial. Without the backing of the lead prosecutor, performance measurement will likely have less meaningful impact as a tool for helping set direction for the office. At the same time, involving employees in the process is important because they are the individuals who are most directly affected by changes in practice or procedure that result from performance measurement.

DEFINING THE MISSION, GOALS, AND OBJECTIVES

Typically, the first steps in measuring performance are articulating the agency's mission and setting goals for its work. The mission defines the fundamental purpose of the agency and its programs. The mission becomes the foundation for measuring performance from which the goals, objectives, and performance indicators flow.

The next step is setting goals. Goals are broad statements that describe outcomes the agency hopes to achieve. For instance, one goal might be to complete prosecutorial duties in a timely manner. Together the mission and goals determine the priorities for a prosecutor's office. Developing the mission and goals can be a time-intensive process, not reflected in the brief attention we give it here.

Once a mission and goals are adopted, an office can set objectives to describe what results it expects to achieve and by when. Objectives are usually very specific and measurable, oriented to particular programs or efforts, and relate directly to the agency's mission and goals. They describe how an agency intends to meet its goals. As an example, in line with a goal for timely prosecution work, an objective might be to increase by two percent annually the number of cases that can be appropriately disposed of at arraignment hearings.

Goals and objectives are likely to vary with each prosecutor's office although some things, such as a goal to communicate effectively with law enforcement personnel, may be common to all prosecutors. Similarly, prosecutors may find useful some but not all of the performance measures we describe below. They may want to supplement these examples of measures with others that more closely fit their own mission, goals, and objectives.

PERFORMANCE MEASURES

We identified a number of performance indicators related to the four goals described in Chapter 2. Some of the indicators are important outputs — counts of services that the office provided or used. The number of cases in which the prosecutor was involved is an example of an output. Other indicators describe outcomes, or actual results, of the agencies' actions. An example is the percent of cases decided by judge or jury that resulted in conviction. Still other indicators measure efficiency by examining costs per unit of output. Efficiency can be measured in terms of dollars, time, or personnel. For instance, the amount of expenditures per case is one indication of efficiency.

We list numerous measures of performance below. Some measures simply indicate the existence of a certain desirable characteristic, such as use of a victim/witness assistance program, without also measuring the degree of its usefulness. These measures ought to be used in tandem with others that try to ascertain the levels of satisfaction associated with the characteristic.

Not all of the following performance indicators are easy to measure. In fact, we were unable to use all the measures listed below because of the lack of data. We include several that individual offices may find important to measure despite our observation that few prosecutors' offices currently collect the needed information. Some of the measures are keyed to a median statewide ranking that we calculated from our survey data, such as "number of cases per full-time equivalent attorney is at or above the statewide median." Individual offices using these measures would instead compare the measures to their own baseline data.

To the extent possible, we grouped the measures into categories linked to the actions we recommend in Chapter 2 for effective and efficient non-felony prosecution. We begin with measures of a general nature that do not apply specifically to any single action and then list measures for each of the recommended actions.

General

- Percent of non-felony cases disposed relative to incoming cases in a year is at or above the statewide median
- Percent of non-felony offenses disposed at arraignment or first appearance is at or above the statewide median
- Percent of prosecuted cases resulting in convictions to full or reduced charges prior to trial is at or above the statewide median
- Percent of prosecuted cases that went to trial and resulted in convictions to full or reduced charges is at or above the statewide median

- Extent of prosecutors' involvement in: ordinance recodification; providing advice to elected officials, boards, or commissions; training peace officers; speaking with the public; working on legislation or appearing before legislative committees; assisting in the development of improvements to the judicial system; and other administrative duties is at or above the statewide median
- Number of non-felony cases per full-time equivalent (FTE) attorney is at or above the statewide median
- Number of non-felony cases per other FTE personnel (including secretary, paralegal or legal assistant, law student intern, investigator, or other support staff) is at or above the statewide median
- Non-felony prosecution expenditures per case are at or below the statewide median
- Cost per case resulting in conviction to full or reduced charges is at or below the statewide median
- Average prosecutor hours per case spent reviewing cases that were not prosecuted are at or below the statewide median
- Average prosecutor hours per case spent on cases disposed at arraignment or first appearance are at or below the statewide median
- Average prosecutor hours per case spent on cases disposed at pre-trial conference are at or below the statewide median
- Average prosecutor hours per case spent on cases disposed without trial on day of scheduled trial are at or below the statewide median
- Average prosecutor hours per case spent on cases disposed by bench trial are at or below the statewide median

- Average prosecutor hours per case spent on cases disposed by jury trial are at or below the statewide median

Law Enforcement Relations

- Provision of training to law enforcement personnel
- High or moderately high satisfaction with training
- Use of liaison between prosecutor and law enforcement
- High or moderately high satisfaction with liaison
- Methods for law enforcement input in disposition of cases
- High or moderately high satisfaction with methods for law enforcement input
- Use of uniform arrest reports among all law enforcement agencies
- Reduction in cases dismissed for investigation or evidentiary reasons is at or above the statewide median
- Reduction in unnecessary court appearances is at or above the statewide median

Diverting Suitable Cases from Prosecution

- Use of a pretrial diversion program or continuance for dismissal to divert cases from prosecution
- Use of specific diversion program for certain offenses
- High or moderately high satisfaction with diversion program

- Percent of non-felony offenses disposed by pretrial diversion is at or above the statewide median
- Percent of diverted cases resulting in dismissal of charges or not charging the case is at or above the statewide median
- Average days elapsed for pretrial diversion are at or below the statewide median
- Reduction in caseload prosecuted in district court due to appropriately diverted cases is at or above the statewide median
- Collection of restitution paid to victims improves at or above the statewide median
- Recidivism among first-time offenders is at or below the statewide median
- Cost per defendant successfully diverted and not re-offending is at or below the statewide median
- Average prosecutor hours per case spent on cases diverted from prosecution are at or below the statewide median

Victim/Witness Assistance Programs

- Use of victim/witness assistance program
- High or moderately high satisfaction with victim/witness assistance program
- Provision of training, community education, and initiatives to improve responsiveness to victims and witnesses
- Percent of victims/witnesses contacted who appeared in court as scheduled is at or above the statewide median
- Cost per successful appearance in court is at or below the statewide median

Written Guidelines

- Development of written guidelines to guide charging and disposition decisions
- High or moderately high satisfaction with helpfulness of guidelines

Equipment and Facilities

- Use of computerized case-management information system
- Use of computerized-information system features such as case tracking, status reports, disposition reports, on-line queries, inter-office communication, and victim/witness information
- High or moderately high satisfaction with information system and its features
- Access to legal research databases
- High or moderately high satisfaction with research databases
- Access to adequate law libraries
- High or moderately high satisfaction with facility access and use
- Use of video links with police stations or other locations
- High or moderately high satisfaction with video links
- Use of teleconferencing
- High or moderately high satisfaction with teleconferencing

Competent and Independent Work Force

- Provision of in-house classes or seminars for all employees

- Use of seminars provided by others for employee training
- Reimbursements for ongoing training
- Requirements for specific courses to meet identified training needs
- High or moderately high satisfaction with usefulness and applicability of training
- Use of hiring practices based on merit
- High or moderately high satisfaction with hiring practices
- Provision of criteria for identifying and handling conflicts of interest
- High or moderately high satisfaction with process for handling conflicts of interest
- High or moderately high prosecutor satisfaction with public perception of office
- High or moderately high community satisfaction with crime prevention efforts

Set Goals and Objectives for Prosecution Office

- Use of formal process to measure performance by defining a mission, setting goals and objectives for non-felony prosecution, and measuring progress in meeting the objectives
- High or moderately high satisfaction with performance measurement system
- Percent of prosecutors that reach the office's internal work objectives is at or above the statewide median

Communication and Efforts to Improve Criminal Justice

- Provision of criminal justice information to local elected officials
- Provision of criminal justice information to civic groups and local citizens
- Involvement with efforts to improve criminal justice system