

# USING OUTSIDE EXPERTISE: KNOW WHAT TO EXPECT



---

*This document was prepared under Grant No. 2009-DB-BX-K021, awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the authors and do not represent the official position or policies of the United States Department of Justice.*

---



# PREFACE

Technical Assistance (TA) is a term used to describe a set of activities that are undertaken by consultants, to help jurisdictions better understand issues or problems they are facing, with the aim of helping to guide them towards viable solutions. It allows for the infusion of the perspective of an individual or team of individuals who are from outside the jurisdiction and who have extensive expertise in the issue being addressed. Sometimes, it's not what's being said, it's who's saying it. Sometimes, hearing about change is easier from a third party, neutral party. TA allows for this.

TA encompasses a broad range of activities – from telephone consultations, to the forwarding of materials, to connecting TA recipients with a peer, to on site visits by a TA provider team. TA can be either long-term or short-term. Long-term TA involves working with a jurisdiction over a period of time, sometimes spanning years, requiring multiple site visits and usually multiple reports. Short-term TA typically involves one visit, occasionally two, and one report, and is completed in a matter of weeks.

This guide addresses short-term, on-site TA. It is designed to explain the process, set expectations, and outline requirements that will be placed on the jurisdiction that is requesting the TA. It is solely focused on TA requests in areas relating to pretrial justice, however it's likely that any policy maker requesting TA in criminal justice could benefit from this short guide. Pretrial justice areas include such things as an assessment of the pretrial release decision making process or an assessment of the jurisdiction's existing or proposed pretrial release or pretrial diversion program.

Section I of this guide outlines the TA request and approval process. The second section describes how to prepare for the site visit by the TA provider team. Section III covers what happens during the site visit, and Section IV covers what to expect after the visit has occurred. There are two appendices. The first lists the basic obligations of both the TA providers and the TA recipients to assure a successful delivery of TA. The second describes the basic characteristics of an effective TA.

# ACKNOWLEDGEMENTS

The Pretrial Justice Institute would like to thank the Bureau of Justice Assistance for their support of this project. The impetus for this guide was a comment made during a meeting attended by a group of criminal justice organizations talking about “how to do” pretrial TA. Janice Munsterman, then-Executive Director of the State Justice Institute, commented that it would be just as important to write a guide about “what to expect when you’re requesting” TA as it was to be writing a guidebook on how to do TA. While it seemed like an off-handed comment, it was a brilliant idea.

The title, “Using Outside Expertise: Know What to Expect,” is in direct reference to decades of experience by PJI technical assistance providers, as well as many who perform such functions as independent consultants, or those who subcontract with other Department of Justice agencies to provide on-site TA. More than once, jurisdictions can come to regret having asked for “an independent assessment of policies and practices” – even if it was at no-cost to them. Often, the labor involved in preparing for the site visit - providing data, sending written policies and procedures, arranging the interviews with key stakeholders – exceeds the jurisdiction’s expectations. Sometimes, people come to resent having their system’s shortcomings pointed out, even if that’s what they asked for. And often, a report issued that maintains the integrity of the assessor is used “against” the very policy maker who cared enough about his or her system to want an outside assessment.

Don’t let these concerns stop you. They are real, but rare. But when they happen to “you,” they don’t feel rare.

# SECTION I

## THE TA REQUEST AND APPROVAL PROCESS

The first consideration when you are seeking to request TA is to identify an entity that can sponsor it. Organizations or individuals may be available to provide no-cost or low-cost TA to your jurisdiction, with funding from the Bureau of Justice Assistance (BJA), the National Institute of Corrections (NIC), or the State Justice Institute (SJI). The sponsoring entity will have its own requirements for requesting TA. Be sure to follow those requirements closely.

It is important to understand that TA begins even before you submit your written request. Contact the TA sponsoring entity first. The sponsoring entity can help you to think about how to identify your needs and to focus your request to best address those needs. Don't be afraid to call the sponsoring entity to say that you know you need help, but you are not sure what kind of help you need. Even if you are certain about the assistance you need, get in touch with the sponsoring entity first. Bear in mind that the TA provider team that will be working with you will be assembled based upon your request. If your request does not accurately reflect the issues needing to be addressed, there may not be a good match between the team you are assigned and the issues they will be working on.

One requirement of many TA projects is that you provide letters of support or other commitments from key stakeholders indicating their willingness to participate in the TA event. Even if this is not a requirement, make sure that those whose participation is necessary for a successful TA are aware of what is being requested and agree to meet with the TA provider team.

Once you are clear on how you should frame your request and you have lined up commitment from key stakeholders to participate in the TA, make sure that you look again at the requirements for submitting the request before you begin writing it up. Once submitted, you should hear shortly from the sponsoring entity acknowledging receipt of your request and explaining the process for approving the request.

# SECTION II

## PREPARATION FOR THE SITE VISIT

Once your TA request has been approved, the sponsoring entity will contact you to schedule a conference call with the TA provider team and the sponsoring entity to begin preparations for the visit. One of the most important things to accomplish during that conference call is to make sure that there is clarity among all three parties – you, the sponsoring entity, and the TA providers – about your TA request. Be prepared to discuss the background of the issue to be addressed, including its current status. During the conversation, be attuned for any hints that the sponsoring entity or TA providers may not have full understanding of your request.

During that first call and any subsequent calls or e-mails, the TA providers will also be discussing the materials they would like to review prior to the visit, the stakeholders they would like to interview, and possible dates for the visit.

### **Materials to Assemble Before the Site Visit**

Below are the types of materials you may be asked to assemble for the TA providers before their visit.

**Relevant Statutes and Court Rules.** If the TA request involves pretrial release decision making, the TA providers will need to know what the laws say about pretrial release decision making in your jurisdiction. The TA providers may be able to access that information themselves, but if not, be prepared to provide it. In some states, court rules also address pretrial release decision making procedures. In some jurisdictions there are also local court rules pertaining to pretrial release decision making. Check to see what court rules from your jurisdiction might be applicable to your request and be prepared to send them to the TA providers.

If your request involves pretrial diversion, locating the statutes pertaining to diversion may be more difficult. In some states, the statutory authority for pretrial diversion can be scattered throughout the code. You may not be aware of what those statutes are. Check with the prosecutor's office to make sure that you are aware of all legal authority pertaining to diversion.

**Bail Schedule.** Many jurisdictions establish a bail schedule, which is a list of all criminal offenses and a specific bail amount or a bail amount range for each offense. If your request involves pretrial release decision making, you will want to make sure that the TA providers have a copy of the schedule.

**Court Rulings or Consent Decrees.** Many jurisdictions are under court order or consent decrees that limit the population of the jail or require certain actions to be taken in processing defendants after arrest. These rulings and consent decrees can have a major impact on pretrial release decision making. Provide the TA providers with copies of any such rulings or decrees that are in force in your jurisdiction.

**Other Consultant Reports.** It is not unusual for jurisdictions to have sought and received assistance in the recent past from consultants on issues that affect pretrial release or diversion decision making. Such assistance might include assessments of criminal case processing or jail master plans. Check to see if any such work has been done in your jurisdiction. If so, provide copies of the reports to the TA providers.

It may even occur that another consultant is working in the jurisdiction on a related justice system issue at the same time that the TA provider team is on site. If this happens, it would be helpful to arrange for the two consulting teams to communicate with

each other to make sure that they are not working at cross purposes. Be mindful that the other consultant is obligated to work through his or her own site liaison. Therefore, any communication with the other consultant team should be done in coordination with that team's liaison.

**Internal Reports and Meeting Minutes.** Many jurisdictions conduct their own internal analyses of issues or develop strategic plans that incorporate pretrial release or diversion decision making. If you have any such reports, even if they are dated, send them to the TA providers. Also, many jurisdictions have established Criminal Justice Coordinating Councils or similar bodies that meet regularly to discuss justice system issues. If you have such a body, check the minutes or other materials that have come out of those meetings for any information that might be related to your request for assistance.

**Recent Media Coverage.** Part of a TA provider being informed about the pretrial release or diversion decision making practices in the jurisdiction is to know what, if anything, the media has been saying about it. This could include general feature pieces regarding the practices or reports on specific incidents, such as a defendant under pretrial supervision being charged with a new and very serious offense. It would also include any editorials. Locate and forward any such media reports to the TA providers.

**Pretrial Program Materials.** If your request involves providing TA to an existing pretrial services program, assemble and send copies of the following:

- Pretrial interview form
- Pretrial risk assessment instrument
- Bail report to the court
- Release order
- Compliance/violation report to the court (if they do supervision)
- Any written procedures pertaining to any aspect of the pretrial program
- Organizational chart for the pretrial program, including number of staff in each category, as well as a chart showing the pretrial program's administrative location
- Mission statement of the program
- Annual report of the program or any published data on program activities
- Annual budget of the program
- Job descriptions for pretrial services program staff
- Any training materials provided to staff for new employees and for in-service training.

If your request involves assessing a pretrial diversion program, you will need to send the TA providers the following:

- Copy of admissions and termination criteria
- Description of services provided
- Copy of compliance/violation report
- Copy of any written procedures pertaining to any aspect of the pretrial program
- Organizational chart for the pretrial program, including number of staff in each category
- Mission statement of the program
- Annual report of the program or any published data on program activities
- Job descriptions of pretrial diversion program staff.

**Data.** If your TA request involves looking at the pretrial services program, try to pull together for the TA providers as much processing and outcome data as possible.

- Processing data:
  - \* Number of defendants interviewed in past year
  - \* Number who were not interviewed, and why not interviewed
  - \* Number recommended for release, by type of release recommendation
  - \* Number not recommended, and why not recommended
  - \* Number of defendants under pretrial supervision.

- Outcome data:
  - \* Pretrial release rate, by type of release
  - \* Failure to appear rate, by type of release
  - \* Rearrest rate, by type of release.

If your TA request involves looking at an existing pretrial diversion program, try to gather the same kinds of data.

- Processing data:
  - \* Number of defendants eligible for diversion in the past year
  - \* Number recommended for admission
  - \* Number admitted
  - \* Number not admitted and why not admitted
  - \* Number receiving services
- Outcome data:
  - \* Number terminated successfully
  - \* Number terminated unsuccessfully, and reasons for unsuccessful termination
  - \* Recidivism rate.

For most technical assistance requests involving pretrial justice, review of jail data is essential. At minimum, the TA providers are going to want to know the capacity of the jail, the current population, and the trends in the jail population over the past five years. Also, ask the jail for any figures available on the number of bookings into the jail, the average daily population and on the composition of population in terms of status, e.g., pretrial, sentenced, awaiting probation violation hearing, holds for other jurisdictions.

### **Parties to be Scheduled for Interviews**

The TA providers will identify for you the parties that they would like to interview while on site, and what activities they should observe. Identifying specific persons to be interviewed will depend upon the nature of the TA request. For example, if the request involves a broad look at the front end of a jurisdiction's criminal justice system, all of the parties listed below should be interviewed. Most TA requests are going to be much narrower than that. This discussion seeks to identify the situations in which each of these parties should be included in interviews.

**Judicial Officers.** For most TA assignments relating to pretrial justice the TA providers will need to meet with judicial officers who preside at initial appearance. Where possible, try to arrange meetings with at least two of these officials to make sure that the TA providers are getting different perspectives. Even if trial level judges do not ever preside at initial appearance in your jurisdiction, they still have to address pretrial release issues in situations such as bail reviews and pretrial release condition violation hearings. So make sure to include at least one such judge.

**Prosecutors.** For most TA assignments involving pretrial release decision making, and certainly for all involving pretrial diversion, it is important for the TA providers to speak with at least one representative of the prosecutor's office – one that is well versed in areas being addressed in your request.

**Defense Attorneys.** It is important for TA providers to interview defense attorneys, particularly attorneys who represent indigent defendants, for most TA assignments relating to pretrial justice. As with prosecutors, make sure that you schedule defenders with strong working knowledge of the initial court appearance and other early matters in the life of a case.

**Pretrial Services Program Staff.** If there is a pretrial services program, the TA providers need to meet with the administrators of the program, as well as some knowledgeable staff. Especially in some larger pretrial programs, administrators may not have complete knowledge of the day-to-day practices of staff, so by including staff in interviews the TA providers may get a more accurate picture of current practices and challenges.

**Pretrial Diversion Program Staff.** If there is a pretrial diversion program and your TA request involves diversion, schedule a meeting with the administrators and staff.

**Jail Administration Staff.** If your TA request involves a broad look at front end decision making, a meeting with jail staff would be necessary. The interview session with the jail staff can usually be accomplished as part of a tour of the booking process. While walking through the booking process with the TA providers, jail staff can explain each step.

**Probation.** In many jurisdictions, the pretrial release or pretrial diversion program is administratively located under probation. In these instances, the TA providers will be meeting with probation representatives anyway. But for TA requests that involve broad system issues or jail crowding, it would be necessary to meet with probation department officials to discuss probation violation procedures. Specifically, it would be important to understand what those procedures are when a new arrest occurs as well as when there is a technical violation.

**Law Enforcement.** In TA requests that include a broad look at the pretrial release or diversion decision making processes, it would be important to include law enforcement officials in the interviews. In many local jurisdictions, there may be multiple law enforcement agencies – i.e., one from each municipality, plus the county sheriff and the state police. If this is the case in your jurisdiction, the TA providers will not have the time or need to interview representatives from each. Instead, select the one or two law enforcement agencies responsible for the most arrests in the jurisdiction.

**Social Service Providers.** When the TA request requires addressing the options that are available for pretrial release or diversion, the TA providers will probably need to make some assessment of services that are available in the community. The most prominent services are drug, alcohol, and mental health treatment, as well as anger management programs. For pretrial diversion, they could also include community service programs.

**Specialty Courts.** Many pretrial programs (both release and diversion) play a role in specialty courts (i.e., drug, mental health, domestic violence). Such roles could involve identifying potential candidates for the specialty court program, providing or brokering services, or monitoring compliance. When this is the case, schedule meetings with key officials connected to the court, particularly the presiding judge, so that the TA providers can learn more about the role and the perceptions of these officials regarding the effectiveness of the role played by pretrial services.

**IT Staff.** The TA providers should have a good idea of the information processing capabilities of the pretrial program by reviewing the data you had provided before their visit. If the data are very sparse, or, worse yet, the program was unable to produce any of the requested data, it should be clear that the program has significant needs in this area. If the data are complete, then they will know that the program is capable of producing the kind of data necessary to closely examine its practices. In the former situation, when little or no data was available, a meeting with the IT staff that serves the pretrial program should be helpful in determining whether the lack of data results from lack of communication between the pretrial program and IT about the program's needs, or lack of ability due to information system deficiencies to produce the data. In the latter situation, where the requested data were available, a meeting with IT could help the TA providers understand whether the information system can be used to monitor any changes they will be recommending.

**Criminal Justice Coordinating Council.** Over the past two decades, many jurisdictions have seen the value of having criminal justice coordinating councils, or similar bodies, comprised of key justice system officials to address common justice system problems. If your jurisdiction has such a body, try to schedule a meeting with at least the chair of the council about issues that have come before the council that relate to your TA request.

The TA providers should provide you with their preferences for how interviews are scheduled. Generally, 45 minutes are sufficient for each interview. There should also be at least 15 minutes in between each interview to allow the TA providers to get to the next interview and to prepare for that interview. If the next interview is not within easy walking or driving distance, build in more time for travel. Even if all the interviews are to be held in the same location, schedule 15 minutes in between so that the TA providers can compare notes from the just concluded interview and get ready for the next one.

In some instances the TA providers will need much more than 45 minutes. For example, if the assignment is to assess the existing pretrial services program they may want to spend at least half a day between interviewing pretrial program staff and observing program activities. They may also want to make sure they have the chance to observe the initial court appearance where the pretrial release decision is being made.

### **Selecting Dates for the Site Visit**

The TA providers will give you a number of dates that they would be available for the site visit. You will then have the task of trying to fit those available dates with dates that are convenient for all the parties on site that need to be interviewed. Plan on it taking several days to check with everyone's schedules. Once you have a date that seems to work for everyone, you can begin filling in time slots for the interviews.

# SECTION III

## DURING THE SITE VISIT

Once the TA providers arrive on site, make sure that they have good information on where they need to go for each meeting, including room numbers. If they need to drive from one location to another, provide them with a map showing directions. Have some options ready for lunch. Let them know about any restrictions that may be in place in any facilities that they will be visiting. For example, many jails, or even courthouses, will confiscate cell phones and other electronic communication devices when going through security. If this is the case, either make arrangements with security to allow the TA providers to keep these devices with them, or have a safe place to store them while in the facility. Remember, the easier you make it for the TA providers to move about and get their work done, the more likely they will be able to focus on what information they need to get from their interviews and observations.

Below is a discussion of what to expect during the site visit.

### **The Entrance Interview**

The first meeting on the schedule should be with you, the site liaison. If you have been acting on behalf of another official or group, such as the chief judge, prosecutor, a county board member, or the Criminal Justice or Coordinating Council, that party or group should also attend. The purpose of this meeting is to provide yet another opportunity to make sure that there is clarity regarding the nature of the request and the expectations for the visit, and also to bring the TA providers up-to-date on any recent developments. This is also a good opportunity to bring up “turf issues” or any other potential problems that the TA providers should be aware of as they begin your interviews.

You may desire to accompany the TA providers as they make their rounds of interviews and observations. Be sure to check with the TA providers and each person to be interviewed beforehand to see if there are any concerns. Some TA providers will prefer to conduct their interviews alone, and some of those who are being interviewed may feel that they can speak more freely when they are meeting just with the TA providers. There is no set rule on whether you should seek to accompany the TA providers. You know the people in your system and if it feels right to go along, do so as long as there are no objections raised.

### **Interviews With Key System Officials**

When setting up interviews for a site visit, the site liaisons often get asked about how the interviewee should prepare, and what kinds of questions he or she should expect. The information presented below should provide some guidance.

Although each TA provider will have his or her own style, a typical TA interview will have four stages.

**Introductions.** You may have fully briefed the person to be interviewed on the reason for site visit, or the interviewee may have only a vague knowledge. The TA providers will typically begin each interview by introducing themselves, identifying the sponsoring entity, and stating why they are there, summarizing the TA request.

**Obtaining Factual Understanding of the Process Under Review.** If the TA request involves looking at the pretrial release decision making process, a typical way for the TA providers to begin this phase of the interview is to ask the interviewee to walk through the front end of the system as if the TA provider were an arrestee. “I’ve just been arrested for a felony. What happens to me now? Then what?” “When do I first see a judge?” “I’m indigent, so when do I first meet with a public defender?” They may ask how the

process varies if the charge is a misdemeanor, or if they were arrested on a weekend or holiday. They may ask what would happen if there were indications of mental illness or what would happen if there were indications that the arrestee was an illegal immigrant.

If your TA request involves the pretrial diversion process, a similar line of questioning would be typically – walking through the process of what occurs following arrest as the process pertains to pretrial diversion.

These lines of inquiry are usually pursued for most of the parties interviewed – judges, prosecutors, defense, pretrial, jail administrators. Between the responses received from each of these parties, none of whom likely will know every step in the process, the TA providers will be able to piece together a complete picture.

Once they have this information, they will likely begin to ask questions focused on the specific roles and practices of the interviewee as they relate to the TA request.

**Obtaining Perceptions.** Once they have the facts about how the system works, they should turn their attention to the views of the key officials about how well it works. Depending on the nature of the TA request, possible questions for this include:

- What do you see as the purpose of the pretrial release decision/pretrial diversion decision?
- What do you see as the role of the pretrial services program/pretrial diversion program?
- How well do you see the program performing that role?
- What do you see as the biggest challenges facing the system now?
- How do you think those challenges can best be addressed?
- In a perfect world, what would pretrial justice look like here?
- What are the obstacles to implementing that vision now?
- How do you think those obstacles could be overcome?

This is also a good time for the TA provider to open the conversation up to the interviewee to say anything that he or she would like. “Is there anything else that we have not covered that you would like to talk about?”

**Conclusion.** At this stage of the interview the TA provider should describe the process that will follow – that they will be submitting a report to the official that had requested the technical assistance, and that distribution of the report would be through that official.

### **Observations**

Aside from reviewing materials and conducting interviews, it is usually helpful for TA providers to observe particular functions. For example, doing a walk through of the booking process, witnessing several defendant interviews by the pretrial services program, if there is one, and sitting in first appearance court can give them a much better feel for how the pretrial release decision making process works.

### **The Exit Interview**

Like the entrance interview, the exit interview should be conducted with the requesting official, and joined by any other party you invite to participate. During this meeting, the TA providers will present their preliminary findings. They should also describe the process to follow – the preparation and submission of the report, and the timeframe for that.

# SECTION IV

## AFTER THE SITE VISIT

The TA providers should submit their report to you within two to three weeks of the time that they receive all the information required to write the report. Usually, all the information will be available to the providers by the end of the site visit. It is not uncommon, however, for a jurisdiction to require time after the visit to assemble and submit additional information, the need for which surfaced during the visit.

### Receiving the Draft Report

While the content of the report you receive will be dictated by both the request and the TA providers' findings, the format should look something like the following.

### Background

This section should cover the following:

- Nature of the TA request and identity of the TA requestor
- Brief description of the issue being addressed
- The TA team assigned
- Dates of the TA site visit
- Work done in preparation of the visit
- Persons interviewed, activities observed while on site

### Description and Analysis of the Program/System/Problem Being Reviewed

The content of this section will vary depending upon the nature of the request.

If the request is to explore the feasibility of starting a pretrial services program, the report may describe what happens to a defendant after arrest – where the defendant is held pending initial appearance before a judicial officer, when the initial appearance takes place, what parties are present at the initial appearance, the role of those parties, what information and options are available to the judicial officer at initial appearance, and what opportunities exist to review the bond that was originally set by the court. This section should also present an analysis of the issues or problems within the description. When data are available on aspects of the pretrial release decision making process, those data should be presented here. The section should then describe how a pretrial services program could address any issues or problems that you have identified.

If your request involves an assessment of an existing pretrial services program, the report should describe where the program is located administratively, how it is organized, its budget, number of staff, etc. It should then provide an analysis of the practices of the program using national standards (i.e., NAPSA, ABA) as the framework for the discussion.

### Recommendations

The direction that this section will take will depend upon the request. When the TA providers have been assessing an existing pretrial release or diversion program, the recommendations should suggest improvements that these programs can make. A good way to present these recommendations is to first discuss changes that can be made to current policies and processes that would have a favorable impact on the issue being addressed. Changes in policies and processes can sometimes be made fairly quickly assuming that no additional resources would be required to implement those changes. For example, the program may only have to revise its policies regarding recommendations to implement the recommendation. Then the report may get into recommendations that would require either more funding or the shifting of existing resources.

When assessing a jurisdiction considering implementing a pretrial release or diversion program, assuming that the TA providers' analysis concludes that the implementation of a pretrial release or diversion program would address the problems identified, the rec-

ommendations may be presented in the form of an implementation plan. The plan would walk the jurisdiction through the steps of implementing the program.

Regardless of the nature of the TA assignment, the recommendations should meet the following standards:

- **Recommendations should flow from the findings of the analysis.** The findings that the TA providers make must be substantiated by the evidence they have gathered and presented, and the recommendations must be substantiated by those findings. There may be parties in your jurisdiction who will never like what the report says, but if the findings are backed by evidence and the recommendations flow logically from those findings, then the TA providers will have done their jobs.
- **Recommendations should be specific.** The recommendations should be specific about what task is to be completed, the party who would be responsible for completing it, and a timeframe for its completion.
- **Recommendations should be achievable.** Good recommendations will not only say what needs to be done, but also provide a road map for getting it done. When you receive a recommendation you need to be able to see how it could be implemented.

Any recommendations that would take several months, or even years, to implement, should be presented to you as building blocks, with a series of shorter term milestones while you work your way toward the long term.

When making recommendations, the TA providers should remember that the criminal justice system is interrelated in many ways. It can be difficult to make changes to one process or program without impacting another process or program. Therefore, the recommendations should reflect an understanding of their impact on other system functions, processes, or programs.

The sponsoring entity should send you a draft of the report to check for accuracy before submitting it to you as a final version. This is an excellent opportunity to check for any factual errors. Circulate the report to other key stakeholders so that they can check for errors as well. Remember, the TA providers will have had very limited time in your jurisdiction, and, given the complexities of systems and issues that these providers must assess, it is very likely that you will find errors. Be as clear as possible in describing those errors and reporting them back to the TA providers so that the report can be corrected.

If in your view or in the view of other stakeholders the findings are not supported by the TA providers' analyses, or if the recommendations do not flow from the findings, please describe as clearly as possible where the potential problems lie. Remember, though, that it is the obligation of the TA providers to "call it as they see it." It is not unusual for some, or even several key stakeholders to disagree with the findings and recommendations.

# APPENDIX A

## BASIC OBLIGATIONS OF A TA PROVIDER AND A TA RECIPIENT

The success of a Technical Assistance event is enhanced if there is a good relationship between the TA providers and the TA recipient. To improve the chances of a successful relationship, as the TA Recipient, you should be aware of the basic obligations of both the TA provider and the TA recipient. Those obligations are summarized below.

Obligations of the TA Provider	Obligations of the TA Recipient
<b>Conflicts of Interest</b>	
<p>It is the responsibility of the TA provider to assess whether there is anything in the TA assignment that could constitute a real or perceived conflict of interest. This is likely to be a rare event. But, for example, if the TA provider is related to or has a very close personal relationship with a justice system leader in your jurisdiction, the provider should decline that assignment.</p> <p>If a possible conflict arises once the TA provider has begun work, he or she should fully disclose this to you as soon as possible.</p>	<p>Your responsibility is to be alert for any possible conflicts of interests. If you become aware of a possible conflict before the assignment has begun, discuss with the sponsoring entity whether a change in the provider assignment may be appropriate.</p> <p>If a possible conflict arises during a site visit, or even after the visit, discuss the matter with both the TA Provider and the sponsoring entity to determine the best course of action. In the end, you must be comfortable with any resolution to a possible conflict.</p>
<b>The Knowledge Base of the TA Provider</b>	
<p>TA providers are responsible for learning as much as they can about issues relating to your TA request. This includes not only having broad knowledge of the issue or issues to be addressed in the TA assignment, but also making sure that they have reviewed all background materials necessary for preparing them for the visit.</p>	<p>The TA providers prior to their visit should review the materials you have provided so that they are best prepared for the visit. With your assistance, the TA providers should come into your system already armed with a basic knowledge of the process to be examined and the issues to be addressed.</p>
<b>Neutrality of the TA Provider</b>	
<p>Maintaining a stance of absolute neutrality is, of course, impossible. Everyone has biases. TA providers must be aware of what their biases are and, as they approach an issue or problem while working in your jurisdiction, they need to think about how their biases may be influencing your approach. They should listen to all sides of an issue, and be open to the reasoning expressed.</p>	<p>Recognize that TA providers, like anyone else will have biases. Be alert for possible biases and don't be afraid to raise any concerns you or others within the jurisdiction may have. In the end, if you are not comfortable with the findings and recommendations of the TA providers, especially when resulting from concerns about potential biases, then the TA event will not be a successful one.</p> <p>Also, be aware of your own biases. You asked for technical assistance presumably because you wanted an outside set of eyes looking at an issue that you have been grappling with. It is not unusual for the findings of a TA provider team to challenge many long-held beliefs within a system.</p>

## Obligations of the TA Provider

## Obligations of the TA Recipient

### The Expertise of the TA Provider

TA providers are selected because they are experts on the issue presented in the TA request. Being an “expert” carries with it great responsibility. Providing expertise that the TA providers have can be extremely beneficial, but providing expertise that they do not have can lead to harmful results. It is not uncommon for a TA provider to be asked to stray into an area that extends beyond the initial TA request. When this occurs, they should resist the natural inclination to try to be helpful by directly addressing the question. Instead, they should direct site officials to parties or locations where they could get information from more qualified sources.

TA providers want to give you the best advice possible. As recipient of the TA, understand that sometimes that advice is going to be for you to look elsewhere for the information and opinions you seek.

### Confidentiality

In conducting a technical assistance assignment on enhancing pretrial justice, it is not uncommon for TA providers to view, and even be given, copies of materials that contain private information, including criminal records. This information must not be shared with anyone. They must also be very careful to make sure these materials are not lost or left in an area where they could be viewed by others.

Make sure that the TA providers understand what information you provide to them should be treated as confidential.

### Staying Within the Scope of the Project

It is not uncommon for TA providers to arrive on site to discover problems that extend beyond what they have been asked to address. When this happens, their first responsibility is to make sure that they still conduct an assessment of the issue or problem that was presented in the request. They should discuss any other issues or problems with you to see if you want them to raise them in your report. It may be that you are well aware of the other problems, but, for whatever reason, prefer that they did not address them.

Don’t expect more than what you requested. The TA team was assembled based upon the request that was submitted. If you expand the scope of that request once the team arrives, they may not be qualified, and certainly may not be prepared, to address the new issues. You can best assure a successful TA event by keeping the focus on the initial request.

### Understanding the Culture of the Organization

Every organization has its own culture that drives how its work is approached, and pre-trial release and diversion programs are no different. The organizational culture of a pretrial program can derive from a number of different sources. For example, it can be shaped by dedicated commitment of staff to the program's value, mission, and goal statements. Or, the organizational culture may result mainly from such external sources as rising concerns about crime or the rising level of the jail population. TA providers will be looking into what factors seem to most influence your jurisdiction's approach to its work. Understanding organizational culture is crucial to understanding the challenges that will be faced in getting the program to make whatever changes the TA providers will be recommending.

Here, the obligation of the TA recipient is simply to help the TA providers understand the culture of the program or system they are assessing.

### Being Constructive

Your TA providers are aware that you have requested technical assistance because you are seeking to improve pretrial justice in your jurisdiction. Implicit in a technical assistance assignment is the need to provide critique. The TA providers' responsibility is to provide any feedback as constructively as possible.

If you find yourself in disagreement with the findings of the TA providers, certainly feel free to express any concerns. However, just as the TA providers are obligated to provide their critiques in a constructive manner, so too should you raise your concerns as constructively as possible.

### Keeping Confidences

In their interviews with site officials the TA providers will be asking for their perceptions of how well things work and what needs improvement. Sometimes honest answers will result in negative viewpoints being expressed about particular individuals or practices within your jurisdiction. While the information obtained during such frank conversations can be extremely helpful in understanding what is going on in the jurisdiction, TA providers should never attribute negative comments to one individual in their interviews with others. Instead, they should use the information to develop questions that will probe into the matter.

While TA providers should not share negative comments obtained from one interviewed stakeholder with another, as the site liaison, there are times when the providers will need to discuss with you some of the comments that were made. This may be necessary to confirm or refute assertions that had been made. You should treat such discussions with the TA providers as confidential.

## Obligations of the TA Provider

## Obligations of the TA Recipient

### Discussing Findings Appropriately

Normally, TA providers should discuss their findings only with you, or with others only with your permission. This is usually done during an exit interview at the conclusion of the site visit. The TA providers may be approached by the media, members of the community, or other parties, about findings before, during, or after their visit. If this occurs, they should check with you and the sponsoring entity for guidance on how to respond.

While the TA providers should discuss their findings with you during an exit interview, you may choose to have others sit in on that session. In fact, it is usually a good idea to do so to allow for fuller discussions. Once the report has been submitted, your obligation is to disseminate to key officials throughout the system.

### Maintaining Intellectual Honesty

The job of a technical assistance provider is to give the best analysis and advice possible based on the provider's own expertise and on national standards and best practices. They are obligated to report their findings as they see them.

Set up meetings/interviews with people who will give various perspectives to the issues being discussed. To provide the most effective assistance, the TA team will need to learn as much as possible about the issue, including where there are disagreements over the best approach. Also, if the views of those who have differences were not sought, those persons may later stand in the way of implementing any of the TA providers' recommendations.

You or others in your system may not agree with the findings and recommendations of the TA providers. Unless there are compelling reasons to the contrary, however, you should recognize that the TA providers put forth a good faith effort to approach their assignment with intellectual honesty.

# APPENDIX B

## CHARACTERISTICS OF AN EFFECTIVE TA

In 1999, the Justice Management Institute, at the request of the Office of Justice Programs, U.S. Department of Justice, conducted two focus groups – one comprised of recipients of Justice Department-funded TA, and one of providers of such TA. One of the questions placed before the groups was to identify the characteristics of an effective TA event. The groups compiled the following list.

**Responsiveness.** The TA should be responsive to the true needs of the recipient jurisdiction and sensitive to the circumstances in the jurisdiction.

**Timeliness.** The TA should be planned and delivered in a time that makes it most useful to the recipient.

**Respect.** There needs to be mutual respect between and among the TA provider, TA recipient, and sponsoring entity.

**Expertise.** The TA providers should be genuine experts in the area of the assistance.

**Needs Assessment.** The TA provider should be able to clarify the problem, make a sound assessment of the needs of the recipient, and identify the resources needed to address the problem.

**Clear Goals.** Both TA providers and TA recipients are clear on the goals of the TA.

**Stakeholder Support.** While broad support for changes may not be initially present, the existence of a core of support is essential for undertaking any major technical assistance effort.

**Partnership Approach.** The TA should be viewed as a partnership among the TA recipient, TA provider and funding agency.

**Preparedness.** The TA provider should be prepared for the assignment.

**Communications.** Good communications between and among the TA provider, TA recipient, and funding agency are essential from the initiation of the TA through to its conclusion.

**Flexibility.** Circumstances can change quickly during a TA assignment, and providers must have the flexibility to respond.

**Candor.** TA providers should give candid feedback and recommendations.

**Empowerment.** TA providers should empower recipients to solve problems.

**Work Products.** Reports and other work products should be designed for practical use.

Source: Barry Mahoney, Richard B. Hoffman and Karen Booth, *Improving The Effectiveness of OJP Technical Assistance*, Denver, Colorado, The Justice Management Institute, June 1999.