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CRIMEFIGHTING
in
AMERICA

**Random Expert Commentary on
Reducing Crime and Improving Justice*

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Selected proceedings of the
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INTRODUCTION

The Omnibus Crime Control and Safe Streets Act of 1968 challenged the citizens of the United States to reform their systems of justice; to make them "better coordinated, more intensified, and more effective at all levels of government". In September of 1972, approximately 50 specialists representing all components of the justice system and all levels of government, gathered in Columbia, Missouri to discuss just how far they had come in responding to that challenge.

The National Convention on the System of Justice was the beginning of a more cooperative approach to the problems of crime on a national scale. For the first time since enactment of the Safe Streets Act, people most responsible for the administration of justice in their respective states were meeting together; sharing common problems, offering their individual approaches to solving those problems, and projecting as to the prospects of further successes in the war on crime. Paramount in importance to the participants of this convention was that the cooperation, the interchange of ideas, and the fellowship initiated in Missouri be carried forward and that future conventions be held regularly to sustain the momentum generated in this, the first national conference.

This book is the written record of what transpired in the first of what is hoped to be a long series of National Conventions on the System of Justice. Contained within this book are ideas, some generally accepted, some radically differing, and some refreshingly new. The intent of this book is not to determine the best of the ideas, but to display the total of the ideas. I feel this has been accomplished and perhaps, by viewing the total range of ideas, a more enlightened, systematic approach to the varied problems of crime and injustice in America can emerge.

ACKNOWLEDGMENTS

There was in this effort, as in any effort of any consequence, a great deal of time spent by a substantial number of dedicated and talented people. The most direct contribution to this project was that of the participants in the convention. A large portion of this book is dedicated to the participants so I will not further explain my gratification to them.

Principle to the planning of the National Convention on Systems of Justice was the foresight and initiative of Missouri Governor Warren E. Hearnes, who realized the need for a nationwide convention of this type.

The supportive services of the staff of the Missouri Law Enforcement Assistance Council whether as workshop leaders such as Paul Lineberry, Ron Larkin, and Bob Brooks, or as general sources of information and assistance such as was provided by Dee Rice and Shirley Goeller of the MLEAC secretarial staff, was instrumental in the success of the Convention.

Technical tasks of organizing the convention and administering to the infinite details of such an undertaking were capably handled by Ron Shum of the MLEAC office.

Transcribing the literally thousands of feet of recorded tapes of the proceedings was the not so enviable task of Paul Katz, a law student of the University of Missouri. His interest in determining the flow of the discussion and the nature of arguments simplified the job of editing this publication.

Finally, I want to thank my secretary, Virginia Rippito, for her clerical, organizational, and — at times — administrative contributions to this convention. She provided progressive balance to the whims and tensions of convention planning, and did so with imperturbable composure.

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OPENING REMARKS

By the Honorable John C. Danforth

I hope it is not stepping out of bounds for me to make one specific suggestion about the LEAA funding money. I notice that these proceedings are going to be published and I think that what LEAA should do is to make training funds available to the states so that the people who are supposed to read all of this stuff can take a speed reading course. Everyday when the material arrives there is something about LEAA. Frankly, there is no way to get it all read. I hope that whatever publication you get out of this session — that it is read and that it will be useful. On behalf of Missouri I do welcome you to Columbia this morning. Law Enforcement does of course cost money and money is a commodity that most states, including Missouri, shows a lack in. An adequate number of well-trained, well-paid police officers, court systems, probation and parole officers — all of these require the expenditure of large sums of money. Citizens who demand law and order must realize that good law enforcement must never cease. Your job at this meeting is to determine what kinds of Law Enforcement plans have been effective. I would like to suggest this morning that the problem you have is not one that can completely be solved by police officers, courts, correctional institutions. No program can work in any court or any system without wide-spread motivation. If the community is willing to tolerate crime, then it will have crime, it is just as simple as that. If there is no motivation in the citizen for more effective law enforcement, then no federal program will solve their problem on the local level.

It seems that every presidential campaign a candidate gets shot — and now the olympics which have been seriously damaged when the 11 were killed. Is this really a law enforcement problem? Is the problem in protection? George Wallace was surrounded by federal and state police officers, and even his own palace guards from Alabama ... I guess if someone wants to shoot him — someone takes the risk. I do not believe that we as a society are spending enough time teaching our children the rules that are necessary for the peaceful order of community law. The family is after all the closest unit ... this is where children learn to live with other human beings. This is where children learn that rules are very necessary. But today the family has been intruded by a very recent intruder — the television. Intra communications in the family have been disrupted by a medium which glorifies violence, shows commercials for satisfaction of every craving that can be had by purchasing the sponsors product. Is it any wonder that 1/2 of all crime is against property and is committed by persons under the age of 21. It is my personal belief that one of the most exciting projects of the LEAA in this state is also one of the smallest ... it is a pilot program initiated by the Missouri Bar with the

cooperation of the State Department of Education to teach citizenship in the school system. Citizenship in the sense that it teaches the student how to live in the society and respect the rights of other people. If a sufficient number of people want to break the law, law enforcement cannot preserve peace in that community. The solution to the problem is to re-instill the ethnical motivation in the people, and with it the universal desire to live a law abiding life. Again, Welcome to our State.

WHAT IS THE MATTER WITH SOCIETY TODAY?

BY ARTHUR BILEK

I would like to share with you my thoughts, just as you are going to share with one another your thoughts on the criminal justice system. Now, some of the things I am going to say, some of you are no doubt, more familiar with than I am. Part of what we are going to talk about today and tomorrow is 'What is the Matter with Society Today?' The matter breaks down for our purposes here to a couple of things. The first thing is crime, and we are people who are supposed to do something about this. In 1971, there were 5,590,211 major felonies in the United States of America. Last year, we had 5,781,000, so we are up 7%. Now many feel good because of this figure because the figure of the preceding year as you know — 1970 over 1969 the crime was increased 11%. But that figure is a damned nightmare, and it is the kind of nightmare that causes cities like Washington, D.C., where I just flew back from, to be emptied by the curfews in the middle of the week where all you see on the corners are the groupings of policemen — not the old legendary beat man but little teams, 6,000,000 hard offenses a year — how does that break down? First, we had murder, 17,000 of them last year - up 11%. Rape, perhaps the most terrifying of all crimes, was the most serious last year and is going up higher than the actual crime rate, 41,000 of them last year - also up 11%. Robbery, 385,000, that's up 10%. Aggravated assault — the final violence crime 364,000 also up 10%. So, for violent crime last year in the United States, we had 800,000 violent crimes for a total of 10% increase over the preceding years. Non-violent crimes is the difference between these two figures. That's part of 'What's the matter'. There is another thing that's part of what is the matter and that is the number of people arrested. In 1971, we managed in America to take 5,500,000 people, more than in another country in the world and lock them up in jail. One final note on the Unified Crime Report, police officers in America last year 126 of them were killed or a 45% increase over the preceding year and 75,000 police officers were assaulted last year. This is another part of 'What is the Matter?'

Part also is violence ... assassination of political figures in the United States starting with John Kennedy and ending with George Wallace ... Arson ... looting in the streets. People will slug others unmercifully to death. Something has happened in America. You can see it with the increase in violent crimes being 10%, while the increase in non-violent crimes being increased 6%.

We live in strange times. I think Charles Dicken's stated it in his *Tale of Two Cities*, 'It is the best of times and it is the worst of times.' We have in America today the automobile and all the conveniences and still 52,000 people a year are killed.

It has been stated that 50% of crime today is committed through the use of narcotics. Imagine what it would be just to solve that one problem. Narcotics is a very major part of 'What's the Matter?'

The next one as I see it is the rapidly diminishing respect for law, for police, for courts, for correction and for justice.

Another part of the problem has to do with legal procedures. For a long time you have heard about people sitting in jail, unable to make bond, or awaiting trial for month after month, and then they are found not guilty. We have a whole set of problems that relate to the legal area.

And finally, the last area of 'What's the Matter?', is in corrections. It has begun to be painfully apparent that Corrections is not really Corrections. In an FBI study, it was shown that a large portion of the people who went through the courts system went back three years later -- almost 3 out of 4 people returned. There are some county jails in the United States where the crime rate inside the jail is higher than the crime rate in which the city is located. This is a part of 'What is the Matter?' with the crime problem in the United States.

These are the areas in which you people need to be thinking about and you need to be asking the following question, "Why is crime continuing to increase?", also, "Why are crimes that are violent increasing at a faster rate than non-violent crimes?", and why is the violence more cold blooded and cold hearted than previously, and finally, "Why has drug use, which started as a relatively small problem, become one of the biggest problems today?" "Whose job is it, whose responsibility is it to prevent crime?" There are a lot of ways to prevent crime. One of the ways is to see that the criminal is rehabilitated but another way is to change the structure of the system, and the operation. So, we need to ask ourselves, whose job is it to be considering preventing crime? The next question is "What are the weaknesses in the criminal justice system?" That is another question we need to be thinking about in these next two days.

We need to be thinking about these two questions "Why doesn't corrections correct?", and "How do we set up a system that does correct?" Finally, the last question that I think we ought to be thinking about is "What about the criminal justice system in America?" There are two questions in this area, "What are the objectives of the criminal justice system?", and "Why are the objectives not being met ... what can we do?"

This conference should give us food for thought, it should allow us to build off one another's mind and one another's ideas and I think it is extremely important.

THE STATE SUPERVISORY BOARD: WHAT SHOULD THEY BE AND HOW SHOULD THEY ACT?

BY DR. STERLING R. PROVOST

Much has, is, and will be said by virtually everyone concerning the efficiency of the law and order systems which have been developed to insure protection for the institutions of society. It was with this perspective, and related notions, that Public Law 90-35 (known as the Omnibus Crime Control & Safe Street Act of 1968 & 1970) was enacted.

Among other things, this legislation specifically provided state and local governmental units with (1) encouragement towards the preparation and implementation of comprehensive plans for the amelioration of both peculiar and universal law enforcement problems, (2) the awarding of grants for purposeful action projects to stem the incidence of crime, and (3) further incentive to foster research and development which could provide methods that would result in the detection and apprehension of criminals, thus diminishing and even preventing lawlessness.

To administer the Act at the state level, a state planning agency was created. In order for this agency to more fully comply with the letter and spirit of the statute, a state supervisory council or board has been constituted that is representative of the various elements which either have interest in or maintain programs that will reduce and control crime. It is concerning the supervisory body that this paper is advanced.

Consideration of the state law enforcement supervisory unit will be discussed under three headings: ROLE OF THE BOARD; REPRESENTATION (COMPOSITION) AND ORGANIZATION OF THE BOARD; AND DUTIES AND FUNCTIONS OF THE BOARD.

Role of the Board

Inherent responsibilities are rather generally outlined in Sections 203 through 205 of the Act. In addition to this charge, more specific role assignments are defined by either the Governor and/or Legislature of the respective duties.

These may include, but are not necessarily limited to, (1) assist in defining, correlating, and maintaining a well-integrated state criminal justice plan -- its allocation, priorities, programs, etc., (2) develop sound operational by-laws and governing procedures, (3) establish and set administrative policy, (4) insure meaningful implementation of action projects, (5) utilize realistic assessment and monitoring techniques for on-going programs, (6) assure a wholesome cooperative alliance with the state planning agency and such other groups as have an interest in the multi-faceted approach to improved law enforcement, and (7) lend the

state program prestige and consequently insulate the adjudications from political battles that are often present in the distribution of federal monies.

A word should be injected at this point regarding the need for "in-service education." Participation in workshops, consortiums, seminars, institutes, or by whatever name these sessions might be referred, can prove to be extremely consequential in affording opportunities for a rich exchange of ideas and issues. Such occasions generally prove to be highly enlightening for board members. Here they will find how other states and/or regions have solved similar problems, while at the same time providing an in-pul as to their own successful experiences in areas where their counterparts are confounded. These settings must be well planned and organized so as to assure optimum utilization of the time spent together. **Meaningful involvement** again is the key to the degree of profitability which this activity can generate.

Thus, in broad terms, the role of a supervisory board is determined by **THE ACT ITSELF, THE STATE LEGISLATURE AND/OR EXECUTIVE ORDER, THEIR RELATIONSHIP WITH THE STATE PLANNING AGENCY, and THAT WHICH EVOLVES FROM BOARD MEMBERS OPEROSELY PURSUING THEIR CALLING SYSTEMATICALLY.**

Representation (Composition) and Organization of the Board

By law, law enforcement agencies, public agencies who maintain programs to reduce and control crime, and units of general local government are to be represented on supervisory boards. Other components may be drawn from citizen, legislative, and minority and community representation. (Membership from these latter groups MAY in many instances prove as valuable as those directly involved in law enforcement.)

It has been found, in many instances, that individuals are appointed because of their position rather than their interest. Although not totally avoidable, this practice should obviously be minimized. Constituency must be predicted upon given program needs, as opposed to secondary considerations.

Size is another factor which must be dealt with. To achieve proper balance, without involving large numbers of people, is a difficult task. Caution must be exercised to assure that "round pegs are not expected to fill square holes," or vice versa. There is no easy solution to this dilemma because of the variety of circumstances. A concerted effort should be made, nevertheless, to keep the governing body small enough to be workable yet with one with a broad base of expertise.

As to organization, let us symbolize just a few prime examples. Each council or board should prepare, publish, and distribute by-laws — not to mention obiding by them. One of these should cope with tenure or rotation and missed meetings. If a member is not present, regardless of the reason, he cannot contribute. It is as simple as that. Therefore, members **MUST** be in regular attendance to participate in the decision-making.

Mention in the by-laws should also be made relating to the holding of meetings. Preferably these should be systematically called each month, with an agenda mailed at least a week in advance. Regular interaction with each other, as well as the need for continual involvement in the program, will make such sessions profitable — providing that there is aggressive leadership and "real" things to do.

How should boards be structured? Should they have an executive committee, task forces, or other board subdivisions? Here again, area conditions should dictate needs. A caveat in this circumstance would suggest that just because it is being done this way does not necessarily mean that that course is superior. Whatever system is utilized should be defined, together with the rights, duties, and responsibilities of each in the by-laws.

One rather common observation is that council members' verdicts cannot be consistently relied upon because they do not know what they are doing much of the time. IF this should be the case, someone has shirked his responsibility, and it isn't perforce the lay member.

Each person so appointed should be initially interviewed by the board chairman or SPA director. At that time his fundamental accountabilities should be reviewed and a copy of the board's manual of operation (including by-laws) presented to him. Possibly a follow-up contact might be made after affording him time to read through the manual and think through his assignment, but this should be done prior to his first full council meeting.

This orientation could conceivably be extended to include a social integration or any other appropriate activity which will immediately involve him in the work of the group. Remember: This will set the tone of his attitude towards his appointment on the council and establish an impression of the people who administer the program!

Duties and Functions of Board Members

This section is undoubtedly the most challenging, i.e., just what does this supervisory body do when it meets? As was alluded to earlier, the experience should *not* prove to be an exercise in futility or frustration for either board or the SPA! Let us consider several notions which are concerned with utilitarian matters that relate to routine assigned business.

First, clearly delineate between the tasks of the board and those of the staff. (Notwithstanding, the right hand must know what the left hand is doing.) Each element is part of a cooperative effort and therefore one without the other creates a void. Have an uncomplicated, but yet unmistakable organizational system which outlines the responsibilities and relationships in the channel of communication. Individuals cannot perform creditably unless they are knowledgeable.

Second, do not have the board so close to the forest that it cannot see the trees. They should be committed and fully engaged in the decision-making process by establishing program policies, AS WELL as processing project applications. Furthermore, afford them, and provide opportunity and encouragement for, the "luxury" of setting goals and objectives. All

activities should stress both "inneraction" (within the board) and "intra-action" (with other groups). The result of such interminglings can contribute to more sensitive group dynamics and uplift the program to new heights.

Third, would specifically deal with vision and comprehensive design. Although the staff must provide the necessary support, the board must avoid being caught up in mundane trivia to the extent that it fails to look at the entire spectrum of circumstances regarding police-courts-corrections as they were, as they are, and hopefully as they should be. In essence, they must be inspired to radiate astute and discerning intuitiveness, mingled with a tittle of romanticism. They need to know not only what they are doing, but WHERE THEY ARE GOING! To contribute to this ideal, the board should be afforded occasions to visit other areas in the state and not be confined to the ivory towers of "Capitol City." Such a practice has proved highly successful. Even though thinking and planning are difficult at best, in this connection they can mean the difference between success, mediocrity, failure.

Fourth, the importance of public relations. We have two centuries of indifference, public apathy, and even some hostility as to the role(s) of criminal justice. Board members should take an active part in defending the Omnibus program, for within it lies the resources for change.

Regular agency news releases, assignments to speak before various organizations and groups, maximum utilization of ALL media sources for publicity, are examples of meaningful activities. However, possibly the greatest single contributing factor would be the individual member taking every suitable occasion to focus public attention on the positive aspects of both Omnibus projects and the systems of justice. In other words, if a member cannot devotedly support the program, he should not serve. This does not mean that there cannot be honest differences, but these must be resolved for the good of the local community, state, and nation.

And **Fifth**, the importance of evaluation and timing. To take stock of one's shop cannot be emphasized enough. We need to consistently measure our relative position for either we are progressing or retrogressing. Not only do we have reference to project evaluation but the appraisal of all that a board does, both individually and collectively. Where such introspection reveals deficiencies, establish a means to correct them.

Very little elaboration is required on the merits of proper timing. To reiterate, if a board and staff are working "harmoniously" together; and providing they are "dedicating" themselves to the tasks at hand, they will know either when to introduce new ideas OR to retain proven methods.

In short, do not underestimate the efficacy of knowing what you are about.

In the final analysis, then, both the state board and planning agency are under considerable pressure to improve the criminal justice system with the ways and means that have been made available. If they are to be successful in the venture, they must adhere to sound and established

practices. This paper endeavors to present but a sketch of the field which needs to be ploughed.

Hopefully, it will provide some stimulation and motive to the man behind the plow. It is not intended to be a scholarly or exhaustive treatise but rather an idea-model.

During a workshop for Supervisory Board members in LEAA's Region VII last October (1971), an adaptation of the principle involved in Robert Townsend's *Up The Organization* was set forth as a basis for one of the small group discussions.

"Supervisory board members spend very little time studying and worrying about SPA's. Result: they know far less than SPA directors give them credit for.

"It is dangerous, therefore, to take their formal advice seriously, or be too earnest about their casual questions.

"Even during monthly meetings, board members spend much of their time in silent worry about their own personal jobs or activities at home.

"It might be said, therefore, that an SPA director will be most successful if he has turned his supervisory board into a non-board; if he has put his back-seat drivers to sleep.

"Once asleep, the board (ostensibly the seat of all power and responsibility), will meet once a month, glance through the budget report, listen to the director and his team talk superficially about the state of SPA operations, ask a couple of dutiful questions, make token suggestions (courteously recorded and subsequently ignored), and adjourn until next month.

"Supervisory boards which are not lulled to sleep may indulge in a nervous impulse to dabble in the affairs and operations of the SPA. Result: They keep pulling up the flowers to see how the roots are growing.

"And if they sleep with one eye open, the supervisory board might be like a tree full of owls: hooting when the director heads into the wrong part of the forest. This, of course, assumes that the board knows where the forest is, and it overlooks the fact that board members are only occasionally in touch with the real world of the SPA they are supposed to be responsible for.

"Perhaps supervisory boards have only one real function. They can and must judge the SPA director and throw him out when the time comes. Therefore, it should be clear from the outset that the director accepts without question the right of the supervisory board to decide to replace him, or to make that recommendation to the ultimate authority.

"Having, in effect, signed a resignation datable at the board's pleasure, the director must meet with the supervisory board monthly (bi-monthly or quarterly) and report to the members on the state and trend of SPA operations, thus enabling the board to judge him and to fulfill their one significant function — replace him — when the time comes.

"For his part, the director should think of himself as a playing coach. He protects his team from unreasonable demands from whatever source.

"He identifies SPA objectives and gets his players to see them as their

objectives. Then he gets his supervisory board to agree to the objectives.

"Once this is done, he is able to be hard-nosed not only with the supervisory board whenever it tries to distract him or his players, but also with others involved in criminal justice system planning and funding."

Optimistically, the matters considered in this text will countervail any resemblance to the actual existence of such a situation. It was Mark Twain who uttered: "If at first you don't succeed, fail, fail, fail again."

DESIGNING CHANGE IN THE CRIMINAL JUSTICE SYSTEM

BY H. PAUL HAYNES

I. Introduction

There exists a mountain of voluminous publications, monographs, chronicles, commentaries, and reports which describe and critique the contemporary system of American criminal justice. These efforts often follow long periods of study and are products performed at the direction of conscientious persons. Total expenditures for projects designed to study and change the system are astronomical and two qualities seem to exist in each effort:

- (1) The studies and projects are begun with the lofty intent (similar to the Quixotic "Impossible Dream") of rethinking century-old verities, altering antiquated procedures, and recommending and producing change; and,
- (2) Most result in advancing sterile, meaning non-implemented recommendations, which do not substantially alter the status-quo.

The thesis of this paper is not to belittle or rebuke expenditures or efforts designed to study and change the criminal justice system. Research and development performed in the criminal justice system is as vital as research and development in an industrial or commercial setting. Many of the present problems which now exist are because, historically, the criminal justice system did not allocate a portion of its effort to research and development. The intent of this paper is to identify and explain some of the features which militate against achieving change in the criminal justice system. Presentation of a method which was successfully utilized in the District of Columbia is offered as an illustration of how to structure around the militating features.

If promotion of well-designed and constructive change of an aged criminal justice system was one of the goals of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351 as amended by Omnibus Crime Control Act of 1970; Public Law 91-644; 42 U.S.C. 3721), knowledge of the features inherent in the system which militate against change will be helpful to criminal justice planners and practitioners.

The criminal justice system, not unlike other systems composed of diverse organizations, has many inherent features which militate against studies and programs which are change oriented. Some of these features are organizational, meaning similar to organizations generally. Others seem to be specific to the criminal justice system. Whether organizational or specific, these features which militate against change must be considered prior to and during the life of the project.

I. Militating Features (Organizational)

Many of the features which militate against changing the criminal justice system are organizational. As stated in a recent American Bar Association Report:

"The American criminal justice system is racked by inefficiency, lack of coordination, and an obsessive adherence to outmoded practices. In many respects, the entire process might more aptly be termed a non-system, a feudalistic confederation of several independent components, often working at cross references..."

Criminal justice planners and practitioners must consider historical lessons learned from organizations which could not advance change. Herbert Kaufman in *The Limits of Organizational Change* (University of Alabama Press: 1971; p. 8-40) itemizes and explains why organizations tend not to change. Although applicable to organizations generally, the reader can easily connect Kaufman's barriers to the criminal justice system. Kaufman contends organizations tend not to change because of:

- (1) **Collective Benefits of Stability** — "What exists may have its defects, but disruption of the on-going regularities could be even worse..."
- (2) **Calculated Opposition to Change** — "It is a rare change which does not affect someone adversely in some respect, at least as he sees his interests. Most people who perceive adverse affects on them and who link them, rightly or wrongly, with a proposed change can usually be counted on to resist as mightily as they can."
- (3) **Psychic Costs of Change** — "Advocates of change concentrate too heavily on the benefits to be derived from their recommendations that they sometimes lose sight of the personal effort and agony of people who have to accommodate to the new patterns."
- (4) **Programmed Behavior** — "Regularities of behavior essential to collective life are programmed into the members of organizations by the members."
- (5) **Automatic Ways of Acting** — "After years of pressures, both unconscious and deliberate, an organization's policies and procedures are apt to become for many people, including those at high levels, the natural, automatic ways of acting."
- (6) **Resource Limitations** — "Some organizations would agree to change in structure and behavior, but for the fact that change often demands resources they are unable to improvise." A recommendation for change is inadequate unless it is accompanied by a method of utilizing the necessary resources.
- (7) **Accumulation of Official Constraints** — "Organizations ... can become enmeshed in bodies of public law, regulation, adjudication, and in their own rules and decisions. Time adds to this vast corpus; seldom does the size contract. Changing large organizations turns out to require more than a single, simple direct order."
- (8) **Informal Organization** — "Informal and customary constraints on behavior of organizational members can cause constraints to be im-

posed within an organization which are harder to detect and more difficult to alter than formal constraints. The workings of informal organization in and around the formal framework can harden into a format as rigid as law."

- (9) **Interorganizational Agreements** — "Many constraints to change originate outside an organization's boundaries, and change may be thwarted by inter-organizational understandings as well as internal obstacles."

These organization constraints to change often cause an unvarying adherence to the status-quo. These features are not novel to the criminal justice system, but must be considered if change is to be advanced. Careful design and structure must be formulated, in advance, to either guard against or go around these barriers. A preliminary investigation to identify these factors is essential prior to expenditure of energy and dollars. It is similar to the execution of a military operation which is always completed after proper reconnaissance to identify obstacles which impede the movement toward the objective.

II. Militating Features (Specific)

The criminal justice system possesses many specific, inherent features which militate against comprehensive study and change. These, too, must be considered in the design, unless implementation of the recommendations is precluded. These inherent features are:

- Criticism of the criminal justice system is one of the "proverbial complaints of the ages." It is easy to criticize, but a study or project which merely criticizes only makes an addition to the obvious.
- The criminal justice system is often viewed as a mere mechanical, rather than a human process.
- Unlike industry, the system is composed of scores of persons and agencies with diverse goals, relationships, and objectives.
- The process was built a piece at a time, and is piecemeal and fragmented, which makes it impossible to approach as a "whole."
- There exists no central point of coordination, responsibility, or leadership.
- Studies and projects traditionally question, but do not include, the system "working stiffs" to an extent to where they become committed to the change. This results in most recommendations receiving the traditional "one hundred reasons why it won't work" response by those who must implement the recommendations.

Adding to the Obvious

The fact that the criminal justice system is or has been racked by inefficiency is neither a seismic nor novel innovation. It has been criticized

¹New perspectives on Urban Crime: A Report by the American Bar Assoc. Special Committee on Crime Prevention and Control (ABA: 1972) p. 10.

to the extent that it is truly one of the "proverbial complaints of the ages." It is still the same system that drove Goethe out of the practice of law², required Hamlet to place it as fifth on his list of the seven burdens of man, caused Dickens to memorialize it in *Bleak House*, Chekhov and Moliere to write tragedies based upon it, and Gilbert and Sullivan to satirize it in song³. Therefore, conclusions which only produce more criticisms only add to the obvious. A proper design will offer a forum where criticism can be vented but will recognize them as "symptoms" rather than the "problems" of the system. A real obstacle can be noticed if the design can be "derailed" by multiple and ageless criticism.

Human, Not Mechanical, Process

Another feature which militates against effectiveness is caused by the design viewing the system as a mere mechanical process when it is, in reality, a human system.

Historically, criminal justice studies have analyzed the system as a mere process. Instead, not unlike industry, the system is a human system, constituted with persons who have diverse goals and objectives. A part of a properly designed project is behavioral science qualities, meaning emphasis on the study of people and their relationships to each other. Industry, in performing analysis of their process, has come to a similar conclusion:

"A growing number of companies have been looking to the behavioral sciences for insights and understandings about people and their motivation in relation to increased productivity...⁴"

Studies and projects which emphasize people and "how the results can make their jobs easier" stand a much greater chance for implementation.

Scores of People with Different Goals

Another militating feature that must be considered in designing a criminal justice system project is the system itself. It is quite different from other industrial or commercial systems in that literally scores of persons, organizations, and agencies are involved. To emphasize this point, it was discovered that from the time of an arrest until final disposition of a case in the Superior Court of the District of Columbia, "at

²"Lagging Justice." *The Annals of the American Academy of Political and Social Science* (March, 1960), p. 2.

³Gray v. Gray, 6 Ill. App. 2d 571, 578-579, 128 N.E. 2d 602, 606 (1955)

⁴Harold M. F. Rush, *Behavioral Science Concepts and Management Application*, (1969) Nat'l Industrial Conference Board, Inc.: (Oak Brook, Ill.) p. 7.

⁵A Narrative of the Criminal Justice System of the Superior Court of the District of Columbia, an in-house working paper written for Chief Judge Harold H. Greene (1972)

⁶The Challenge of Crime in a Free Society, A Report by the President's Commission on Law Enforcement and Administration of Justice (Washington, 1967) p. 7.

least eighty (80) persons come in contact with a case from the commission of a crime until trial⁵."

Unlike industry, where the goals and objectives of persons within the system are similar (i.e., production of widgets) the actors in the criminal justice system have diverse goals. For example, the objectives of the prosecutor are quite different from those of the defense counsel. Both could have goals differing from those of the judge or clerk. Theirs could be very different from those of police or corrections. Thus, a properly designed study must acknowledge and recognize these differences and structure a design where change can come by concert.

Piecemeal Evolution

Another militating feature is the manner in which the system has evolved. The process "...was not designed or built in one piece at one time. Its philosophical role is that a person may be punished by the government if, and only if, it has been proved by an impartial and deliberate process that he has violated a specific rule. Around that rule, layer upon layer of institutions and procedures, some carefully constructed and some improvised, some inspired by principle and some by expediency, have accumulated⁶." The problems caused by the evolution of the process are obvious and must be taken into consideration in designing a study or project. Hopeless fragmentation of the criminal justice system has been evidenced by countless studies. It should be taken as a "given" at the time of design rather than being a conclusion reached after completion. The diffuse composite of fragmented agencies which, while independent at the decision-making level, but are necessarily required to work together on an administrative level, seem to militate against comprehensive study and programs.

No Central Point of Leadership or Coordination

Also, unlike industry and commerce, there exists no central point, person, organization, or agency which coordinates or leads the system in its entirety. This precludes a study or a project addressing a central point of responsibility and militates against success unless taken into consideration at the time of design. State planning agencies, even those which are titled "Coordinating Boards" and are composed of the heads of the agencies, do not lead or coordinate the process.

Involvement Equals Commitment Equals Implementation

The final militating feature inherent in the criminal justice system which has the effect of rendering many recommendations sterile, meaning without implementation, is probably the most important. Those persons in the system who perform the day-to-day operations and upon whom implementation depends, are often queried in the course of a project but are not really made a part of the overall effort. In other words, their "brains are picked" but they are not involved in the effort to a point where they become committed to the change and the change, in reality,

becomes theirs. This leaves them with the impression that they are only part of the problem and are excluded from being part of the solution. This has two debilitating effects on the pursuit:

- (1) It excludes valuable suggestions from those who know the operation best because they perform it daily; and
- (2) It causes the proposed change to receive the traditional "one-hundred reasons why it won't work" response by those who must implement it.

To bring change it is essential that those who must implement it be granted a leading role in bringing it into fruition. "Research has shown repeatedly that people are more deeply committed to a course of action if they have a voice in planning it. In industry there has been a growing realization that the most effective means of gaining commitment and involvement is to obtain the participation of the work force in reaching decisions and plans of action that affect them⁷." The proposed change then becomes owned by those upon whom rests the duty to implement. It becomes "my change to this crazy system" instead of "some damned proposal by a study team that doesn't even know the system because they didn't ask me!"

IV. Model of a New Approach

An innovative approach which successfully brought change was advanced in the Superior Court of the District of Columbia. The approach was novel because it had zero-cost, was performed entirely by in-system people without the use of "parachuted-in" experts, and advanced recommendations which were immediately implemented.

Like most efforts in government, the pursuit was born out of crisis. In January, 1972, several persons were lost or unduly incarcerated in the District of Columbia jail. These were isolated and few instances, when it is considered that the Superior Court tries over 75,000 defendants annually. Harold H. Greene, Chief Judge of the Superior Court of the District of Columbia, insisted, however, that this type of human cost would not be tolerated, and convened a meeting of representatives from all the agencies to discuss these events and their causes and preventions. After the meeting, his initial act was to commission a *Narrative of the Criminal Justice System of the Superior Court of the District of Columbia* be written in order to describe the system as it existed. He made it crystal clear to all involved, and especially to the author, that the *Narrative* was not to allege blame, but merely was to describe the system from arrest to trial as it existed. After the *Narrative* was written and circulated to all involved for comment and revision, Chief Judge Greene appointed several task forces which included, in their entirety, only in-system personnel. On each task force were representatives of the Clerk of the Court, United States Attorney, United States Marshal, Director of

⁷Harold M. F. Rush, *Behavioral Science Concepts and Management Application*, (1969) National Industrial Conference Board, Inc.: Oak Brook, Ill. p. 7.

Data Processing, Director of Planning, Metropolitan Police Department, and the District of Columbia Department of Corrections. The Chief Judge determined that, because of the complexity and interdependence of activities, solutions to the problems required a mechanism which incorporated a systemwide approach.

This was the first instance where persons who represented the different segments of the entire system met and discussed the process and possible changes. An emphasis was placed on paperflow; location, transportation, and incarceration of the defendant; problems caused by interactions with other courts; and police and prosecution. Meetings of at least one of the task forces were scheduled daily and many of the representatives attended each and every meeting.

The effect of the task forces was substantial. Although during the earlier meetings there existed a great deal of "organizational maintenance," which brought such comments as "the position of the court on this...." or "as a representative of the U.S. Attorney's Office, we believe that...." the members began to see their operation on a larger, systemwide screen. This is not to mean that there was not disagreement — there was much. However, even though a member disagreed with another, he understood the reasoning behind the other representative's point of view.

The task forces also had empirical and quantitative effects. Their efforts culminated in a 200-page report to the Chief Judge which included twenty-two documented recommendations for change. Forms and paperwork which had been utilized for decades were reevaluated, redesigned, and their use understood. A system of reports, daily, weekly, and monthly, was designed and the reports are being submitted to the Chief Judge. Two new positions were created as "Monitors" with the duty of monitoring persons, forms, and files through the maze of process. This function will give twenty-four hour notice if an "injustice of doing justice" such as undue incarceration or loss of a defendant should occur. An improved method of controlling court records was implemented and a Law Enforcement Assistance Administration (LEAA) grant was solicited by the agencies, mutually, to better coordinate the system. Communications were improved by improving forms and opening up new lines of communication. A computer-based notification system was developed. A method of verifying a prisoner's identity was implemented as well as a standard procedure for transporting prisoners to court. Improved procedures relating to the prosecutor notifying the court of an election to dismiss was developed. Payment and treatment of witnesses was improved as well as interactions with other courts. A Memorandum from the Chief Judge to the Associate Judges regarding strict compliance with certain court rules was solicited and obtained, as well as other less significant, but meaningful innovations and changes.

The overwhelming worth of this change-producing model is that within a week of submission of the final report to the Chief Judge, twenty-one of the twenty-two recommendations had been implemented. Relating back to the previous sections on features, both organizational

and specific, which militate against change, the fact that a vast percentage of recommendations advanced were, indeed, implemented must be prima facie evidence that this design had overcome those factors which militate against changing the system.

The task forces, through the Chief Judge, had:

- Viewed the criminal justice apparatus, in its entirety, as a human process, with the intent of eliminating the "human costs" in the system.
- Offered a forum for criticism and suggestion.
- Overcome the traditional differences of goals and objectives inherent in the system.
- Offered a "wholeness" instead of fragmentation.
- Presented a place of central leadership and coordination.
- Included, *ab initio*, the system "working stiffs" who understood, structured, and were committed to the changes.

In closing, a final, but very important, comment is required. This model of advancing change in the criminal justice system will not work in every jurisdiction. The system in the District of Columbia is blessed with two outstanding assets. Top and middle management resources are superb. The task forces were composed of individuals who knew, understood, and could communicate their problems and offer well-thought solutions. The second blessing found in the Superior Court of the District of Columbia is its greatest asset. It is blessed with a courageous and improvement-motivated Chief Judge — and it does require courage to allow a system to be opened to questioning minds and to put the weight of that high office behind the proposed changes. To acknowledge and review shortcomings in the system over which a judge presides is also an act of substantial courage.

Change is not an easily obtainable quantity in contemporary criminal justice. There exist scores of features which militate against change and, because the institution of providing justice should be predictable and reliable, change should be well designed and documented. However, the criminal justice system is similar to war and as Chief Justice Fred M. Vinson once stated:

"Wars are not 'acts of God.' They are caused by man, by man-made institutions, by the way in which man has organized his society. *What man has made, man can change.*"

THE CHALLENGE OF SUCCESS IN THE WAR ON CRIME A STATEMENT OF PROGRESS

BY MARSHALL HARTMAN

In 1963, the entire face of this nation changed with respect to criminal justice. It was in that year that lawyers were put back into the courtroom, not only for the benefit of the few people involved in major crimes, or members of the syndicate, but now also for the many individuals that previously lacked adequate counsel — the poor. Two and one-half million of them by last count who needed the services of a defense lawyer. Now to understand why it took from 1963 for a lawyer to be placed in the courtroom almost as Hertz puts a man into the driver's seat, you have to understand how lawyers can change words which have plain meaning. When I was in grammar school, I learned that in the 6th amendment to the Constitution, it says that every citizen in the United States has the right to counsel. It is very difficult to explain to non-lawyers and lawyers alike that the 6th amendment to the Constitution was not regarded as applying to Americans in state courts. For some reason unbeknownst to the normal layman when the 6th amendment to the Constitution was passed, the U.S. Supreme Court immediately interpreted that as only applying to cases in Federal Courts. The cases in federal courts are very few ... treason and kidnapping. The cases in state courts were many ... murder, rape, robbery, etc., and yet from 1791 when the Bill of Rights was passed, all the way up until the 1960's when the Warren court re-evaluated the Bill of Rights, those first amendments to the Constitution did not apply to American citizens unless they happened to be found in a federal court. You have all heard tonight about law and order and how the Warren Court was easy on criminals and so on. I will state to you as a purported constitutional lawyer, in my view the fundamental thrust of the Warren Court was to take each element in the bill of rights and make those provisions applicable to the State. And it came up case by case. In each case, the Supreme Court said that in looking back at this country's history of *jurisprudence* from 1791 on, we feel that these things are the fundamental fabric of American *jurisprudence* ... right to jury trial, right to counsel, right to a speedy trial, right against self-incrimination. And so, in 1963, when a man named Earl Gideon wrote from Florida to the Supreme Court saying "I am a poor man, how come I can't have a lawyer?" The Supreme Court then appointed Abe Forrest, who was then relatively unknown from Washington, to defend him. And Forrest argues before the Supreme Court that every man ought to have the right to counsel and that the 6th amendment which was passed in 1791 to insure that states would ratify the constitution ought to apply to people in state courts as well as people in federal courts, in fact, ought to apply to all Americans. The U.S. Supreme Court bought that

document, handed down the Gideon decision and determined that lawyers had to be in court and the 6th amendment applied.

Now, June 12, 1972, a new decision was handed down by the U.S. Supreme Court and you are all familiar with it. But today, I would like to discuss that decision just a little bit with some ramifications you may not be familiar with ... The Florida case involved a man who was sentenced to prison and his offense did not require more than 60 days of prison time. And so it was our duty that although the 6th amendment did apply to the states, it has always been interpreted as meaning felonies ... serious crimes and therefore, in the case of Gideon for his nearly 60-day petty offense that the right to counsel should not be attached. Now, in an earlier case (Robinson vs. California) Justice Black had commented on a narcotic matter, "Even one day in jail is terrible", and in another case where there was a 10-day sentence involved, Justice Black again said he didn't consider any time spent in jail petty. That language was picked up in Gideon vs. Wainwright, and the Supreme Court unanimously agreed that whenever a man's liberty was threatened, whenever he actually goes to jail, he should not go to jail without the services of a lawyer. For the rich, this was no change ... the rich have always had lawyers, you had to be crazy to go to court without a lawyer if you risked going to jail. But now for the 50% or 60% of this population who were poor, this now meant that they could get lawyers for every court.

Now, I want you to understand the impact of this. It involves not only defense lawyers but prosecutors. For example, in Boston, they didn't have prosecutors in the lower courts, policemen would have to present the case. Now, I am sure that Boston is going to have prosecutors in those courts. In some rural areas where there was no prosecutor or defender the judge would just kind of handle things informally — that's over. Now, if he is going to send a man to jail, he has to have a defense lawyer. A judge is supposed to be impartial and therefore, can't act as prosecutor and judge, just as he couldn't act as defense lawyer and judge, hence, he also has to get a prosecutor. When there is a prosecutor the police have to act in a whole different way. They have to report to that prosecutor, bring in evidence in a certain way and as a result the police have to be better trained because now there will be something else ... a review. In this country every court record involving a felony case, i.e., a major case involving murder, rape or robbery, must be reviewed by the State's Supreme Court. Now let's understand that the judges who hear those felony cases are probably full circuit court judges or superior court judges ... in any event they were judges who were experienced. But, the judge who most offenders meet (those involved in ruling on petty offenses), are mostly new judges. They don't have the benefit of experience and court logs are never reviewed. No appeals were taken from these cases. Any now you see, the decision of the Supreme Court this term ... and another case called Mayor vs. the City of Chicago says that the individual has the right to a free transcript of his or her case. You are now going to see a tremendous era of review. Cases will be written up, what judges say will be reviewed. That means a strengthening and an uplifting

of the system. The police have to be better trained or the evidence won't stick. Judges, prosecutors, defenders all have to know what they are doing in terms of laws of evidence, etc.

This requires a massive effort, a transvision of funds and technology and innovations into the criminal justice area. Let me try to give you an example. Prior to Gideon in 1963, there were virtually no public defender offices in the country. There were a few in California and Illinois, but all in all, you could find somewhere around 130 offices. These offices were not state-wide, they were primarily located in the counties. As a result of the Gideon decision, from 1963 to 1972 we saw a growth of about 300 new offices in the country. Some of these offices were state-wide and some were county-wide but many states still did not have a public-defender system. Now, let me clarify, most states had some kind of assigned defender system in theory, but I will talk about the assigned Council a little later. It takes time. Now constitutional definition by the Supreme Court does not take effect in the future, ... its immediacy is based on the fact that the 6th amendment has always applied to the State and the 6th amendment says there is a right to council. Therefore, now-suddenly, this minute lawyers have to appear from the woodwork in a field where previously few lawyers were really competent, and begin carrying the ball for defendants all over the land. This is a challenge in the criminal justice system. One of the questions which you began this seminar with was "How about strategy for a change?" I could say it needs tremendous effort on the part of the local communities and it needs dedication, money and manpower to do the job. What I am proposing is a very simple thought. With local sources often times unwilling and more often unable to handle this job, we have to turn to the states and we have to turn to the federal government.

When I went to law school I was taught that state criminal procedure was *involie*. That is each state determined it's own criminal laws and procedures and that was the rule. That doctrine is now dead. The U.S. Supreme Court, by making the Bill of Rights mandatory upon the states, right-by-right, and formalizing applied specifications to those rights, has really pre-empted the field of criminal procedures. The state is no longer free to do as it wants. In Louisiana it was decided that a man had the right to a trial by jury. So, in that state whenever a case carries a potential sentence of more than two years, a jury trial would be called. When I say right to jury trial, what do I mean? It means that Louisiana now spends money for every case involving over two years potential sentence. The U.S. Supreme Court has determined that it is a basis of constitutional law that the state now must provide money (or council I mean) in every one of these cases. Now a simple thought is this. If it is mandated by the federal government as interpreted by the Supreme Court, let the federal government pay for it. That is where the tax dollar is now going. I am not criticizing LEAA because I honestly feel the LEAA was the greatest thing to come along in the criminal justice field in this century. LEAA provided the needed funds ... \$850 million this year. But now, we have to go beyond LEAA a little bit. LEAA is a pilot, short term project. It is a great

plan, but what happens when the money runs out? I think the time has come to go one step beyond LEAA and get into a more long term federal funding. I am not now saying that it ought to be direct federal funds, because you then have federal control. Maybe it ought to be by matched funds - federal share and state share ... maybe there should be no monitoring but through the state. I think the specific formula for this will come later. The point I want to make is that the funds ought to be available not only for pilot projects but for permanent support of the projects initiated by LEAA and subsequent criminal justice funding programs ... long term funding in the criminal justice area.

Now I want to give you an example of a modern defender system. This is not the greatest system but you might be interested to see the kind of things that can be done with federal money. This system is operative in Illinois and was the result of an LEAA grant, through the Illinois Law Enforcement Commission. The people who were most responsible for getting the money for this project was Art Bilek and John Irving who talked to you last night. These two went on the line to give a \$2 1/2 million grant to the Illinois Public Defender Association to set up a model program. The first problem that they had in Illinois was that they didn't know what the federal services were like in the State. The Illinois Law Enforcement Commission gave a small grant of \$10,000 to run a survey to see what was going on in Illinois. And we did just that. We, myself and five lawyers who were all either prosecutors or defenders, completed the study and showed the following kinds of effects: (1) that in most of the rural counties of Illinois there was no public defender at all, neither part-time or full-time. What they had instead was what I would call the myth of assigned counsel. This is this, if you ask anybody down there what do you have they will say, the assigned counsel system. Now, watch how it works. You have a little county and there are four lawyers in a county. One is the judge, one is the prosecutor and the others are in partnership - one with the judge and one with the prosecutor. When they had a case they can't use any of those local lawyers, because of conflict of interest rules. So, they had to get a lawyer from outside of the county. Now here is a poor guy in private practice, who has to drop everything to come in. When he takes the case, if the man will plead guilty then he will be out of there in a day. If the man wants a bench trial you are talking about a couple days. If he wants a jury trial you are talking about a week or two. That's pretty hard to be away from your wife and your kids and just to have to drop everything for this case. As a result you see a lot of pleas of guilty down there. As for investigation, there are no investigators so the entering lawyer is not going to go around mixing in neighborhoods where crim is prevalent in a strange town. He is a lawyer, what does he know about investigating cases? So, investigation for the defense just doesn't get done. The only professional investigator is the sheriff and he isn't going to help - he is the one who brought the evidence against the guy, so by and large, the system just wasn't operating. So, the Law Enforcement Commission gave us money to set up a rural trial circuit defender project. What it involved was a seven county system for

prosecutors, police, and other services, as well as a circuit riding defender group. Now, you have to understand that these are all rural counties. Not one of these counties could support a rural defender by itself. There was very little money in these counties. They gave us money to set up a little office in Karo, Illinois and set up another office in Vienna. And we put two lawyers down there and they rode circuit for seven counties. All the counties cooperated, one set the court day as Monday, one at Tuesday, one at Wednesday, one in the afternoon and one in the morning. They all cooperated. Over a two year period, we proved that two lawyers and an investigator could handle the seven county unit, and get a lot of things done down there. I think this will be the trend. It was set up by the Illinois Law Enforcement Commission and it has been pretty successful. The second thing we did was to set up about six offices around the state and provided investigators - free - to any public defender or appointed counsel who needed them. Now, understand something. I am not saying that the investigators we provided were better than anybody else. They were the only investigators. The third thing we did was to set up appellate districts, now Illinois and most states have more than one appellate court. In Illinois there are five different districts, we set up an office in each one of these Illinois districts. We put three men in the office and these three men handled appeals from something like thirty-nine counties. Now I am talking to you in two ways ... one problem and the second cost. Not one county has the appropriate funds but thirty-nine counties together (or whatever the make-up is), by cooperating, could afford to have two or three specialists (full-time), that could handle that aspect of the work. And that now has been set up as a State Bill.

The final components are very brief. There was a law student component written in. In our workshop session somebody pointed out that there is a tremendous lack of experience by law students in the criminal justice field. From my personal recollection I came out of law school and I knew nothing about trying cases ... nothing whatsoever. But now, what we did in Illinois was to set up a program for law students so they could be in law school, get credit for law school and work for us part-time, and either work on appeals or on investigating cases, interviewing witnesses, etc. But that was built into the system and we had thirty-five law students each summer in the state program and somewhere around fifty throughout the year who got credit in their law school. The summer students were paid on the theory that the students had to work during the summer.

The fourth thing we did was digest criminal cases. Now this is important for police, for corrections, for prosecution and for defense. Once a month we put out a digest of important criminal cases for that month, indexed by topic so that the criminal lawyers who were in our program and criminal lawyers throughout the state could read up on the current law.

The final thing we did was to have training seminars, again all pledged by LEAA. We were able to hold at least two a year in which we invited lawyers who handled criminal cases and all of the public defen-

ders in the state.

One of the things I wanted to do today was to give you an idea of the kinds of things that can be done for defenders and to show how it can be done system-wide. I want also, to thank you for the time given me today and to leave you with these final thoughts. The decision of July 1972 as well as the Gideon decision in 1963 have given us a tremendous challenge — War on Crime has a chance to be really successful. Not only to reduce crime which is one of its goals, but also the way we handle the war on crime says something about our American society, and the way we think of people as individuals. If we are going to take people who commit crimes and shoot them on the spot that might be one way to reduce crime ... but I think we have a different view of American citizens and I feel that most Americans think we ought to rehabilitate them so they can come back into society with good attitudes, with jobs and with a place to go. And I think the way they are treated in court, whether they are innocent or guilty, is some idea as to how American society looks at them and in that court that's who the government is. The way that judge treats him, the way the public defender talks nice to him and has time for him. So the way we handle our people in our criminal justice system determines the attitudes of our government and determines how our citizens will turn out. It is a challenge to all of us and I hope we will meet it.

Thank you.

WORKSHOP PROCEEDINGS

WORKSHOP NO. 1

1) **Should State Government assume all responsibility and standard setting for system functions**

*The basic ground rules are that *any* topic may be discussed and that the purpose of our discussion is to get different points of view and to air them and not necessarily reach a consensus, but try to reach some common agreement. These problems we're discussing in terms of standards and in terms of finance, are really systematic problems, not only related to the police or to the corrections, but also to the courts, prosecutors and defenders. For example, the right to counsel has been broadened from being required only in capital cases to being a pre-requisite in misdemeanors; furthermore, it was made applicable to state courts as well as federal; presently in *Singer v. Hamlin* the duty is upon the states to provide legal counsel to any person accused of a crime if he is unable to afford it. According to recent figures two and one-half million people will have to be provided with counsel and the question it relates to is how to provide this kind of service and who bears the cost. This same question is involved in lack of police, non-unified system of courts, inadequate correctional facilities. Our first topic is "Should the state government with or without federal help assume responsibilities to set the standards for system function?"

*It's been our experience that if there are to be any standards that are set to avoid the provincialism, fail in most places, it would be necessary for this thing to come from some of the state levels setting the standards.

*Are we talking about standards for the entire system or the element that it takes to make up the system? It takes eleven different elements to make up the criminal justice system in the state - sheriff, city council, municipal court, prosecuting attorneys, magistrate, circuit court, corrections and detention, probation, parole, legal defense. These eleven entities tend to look at themselves as entities separate from all the rest, yet they are all part of the same system.

- *If we are talking about overall standards for the whole system I will agree that the state must set up these standards. To allow different groups to set standards is inadequate. Such voluntary improvement is lacking in quality or quantity.
- *State legislatures don't like to be told what to do. No standards have been forthcoming voluntarily from the states, though.
- *There can be no change by the state legislature without pressure group - i.e. the more responses that are heard by the legislature the more reaction you have as exemplified by the Sheriff's lobby at Jefferson City
- *The feasibility of standards are questionable. For example, a Law Enforcement Training Board established minimum requirements for police officers within the state. The small jurisdictions were against the requirement that police officers had to have 240 hours of basic training within a year of their being hired or they would lose their authority. In point of fact it took three years to get this passed by the legislature.
- *Do you think the state should set standards arbitrarily without consulting the groups for whom it's setting standards? Groups or professions can't really govern with an eye toward betterment of society as a whole; therefore, how can we expect state governments which are responsible to specific interest groups to lay down standards to promote the entire population. The state government is only one part of the law enforcement system; therefore, to delegate to them the responsibility of laying down standards for the total system is ridiculous.
- *What little standards that have been established in California work. The period of establishing them was lengthy. Illustrative of this situation was that of college education for policemen. At first the Department of Education did not accept teaching in the police field as creditable work; then, taking these courses became a pre-requisite for promotions. In another three years, college education in the police science field will be required for hiring police. State pressures brought these standards about. Certain fines and bail forfeitures were used to pay for training and upgrading police officer's education. The salaries of the police while training and expenses of registration are also paid out of these fines. The Peace Officers Standards Training Commission is responsible for these standards, comprised of police chiefs, sheriffs, attorney general's representative and governor's representative and a legislative representative. The legislature created this commission and approved the standards. The funding comes from a 20% tax placed upon bails and fines.
- *Why not have a criminal justice board set up the standards? This board could be representative of all the eleven elements of the criminal justice system by having each element represented by a board member.
- *Who would have the final authority to deal with the lobbyists and pressure groups? Someone must be given this power for the board to

be effective.

- *Another problem when dealing with boards and commissions is that each element is subordinated to majority needs. This is the reason that police often are skeptical about such commissions.
- *The Board should determine which elements require aid and then pose their suggestions to the Legislature. In Lake County we have a coordinating council similar to this proposed Criminal Justice Board that is ineffective due to lack of legislative action, though.
- *We have a 39 member board covering three counties that include 41 political jurisdictions representative of 93 agencies, which operates rather well. All agree that standards are necessary but each wants to retain their status quo. This board presently is concerned with the improvement of the judiciary. A senile justice of the peace who refers to blacks as "niggers" and is frequently quoted in the newspapers was the source of many complaints. Everyone would like to get rid of him so the judicial council recommended a reduction of the number of justice courts per county to 15. The Board supervisors compromised by reducing it to 13. However, the justice's position still remains which was the source of the recommendation. Time will solve the problem when the judge eventually dies. In this instance there was a willingness for one element of the system to take action and cure its own ailments, which avoided legislative pressure by judicial lobbyist groups to maintain the status quo. In other words, legislation can succeed only if each element realizes its problems and cooperates with the Board.
- *Police should be encouraged to "air" their views of these boards for if they can't persuade a ten-man board, how can they persuade the community? Police should determine what society expects of them so that they can better understand their jobs. For example, police should realize that the fourth amendment right of freedom from unreasonable searches and seizures is a principle which society holds inviolate, to the exclusion of evidence obtained without probable cause. Society values freedom from police harassment more than picking up narcotics users. Society has made a judgment between conflicting values — the right of privacy versus crime detection. Board approval thus becomes a condition precedent to community support.
- *Supreme Court judges are appointed by society due to the "consent" requirement of the U.S. Senate on all Presidential appointments. Most senators search and examine view point of nominees (e.g. Judge Carswell).
- *Does the Board have the expertise to dictate the standards for a particular element of the system of justice? Is expertise required? Since the medical and bar associations are unable to make their members conform to ethical practices, what difference would it make if each member on the Board was an expert in every field of the criminal justice system!
- *Historically, the criminal justice system in our country was created

along punitive lines. The issue is whether this system can now operate along social lines. If it's going to remain punitive in nature, police may be locked into their present posture of interpreting and applying new law whereby the courts will evaluate their action and establish precedent through an evolutionary process.

2) Impact of Peripheral Agencies on Criminal Justice System

*Whose responsibility is it to notify the public about new laws? The public doesn't know what they are supposed to do due to lack of publicity.

*When legislation is passed who is consulted? Inconsistent laws may arise unless the entire criminal code is reviewed prior to passing new legislation. For example, an Illinois legislator, proposed a 25 year minimum sentence on all cases involving firearms. However, the state criminal code on murder only carries a sentence of 14 years.

*Another problem in this area is old laws. There are a lot of old laws on the books that are unenforceable; if they are enforced, the police are put in a discriminatory situation because they are enforcing a law with which the public does not agree. Too many laws are based on moral issues (e.g. vice laws and Blue Laws).

*Fully one-third of police resources are spent in enforcing laws which are trivial to the majority of people, i.e., gambling, prostitution, etc., whereas the crimes which are most troublesome evade the police (e.g. street crime), due to the waste of resources.

*The real problem in street crime enforcement is that nobody will testify. In the U.S. we've always resisted law enforcement as a general thing. The least law, the better.

*Speaking of what American society wants, historically we left Europe behind which ran a law and order state. The police could break down the door any time and seize anything they found. Our frontier forefathers passed the Bill of Rights which included the Fourth Amendment right to be free of unreasonable searches and seizures.

*Law enforcement problems go beyond that of what American society wants. There is outright discrimination in the application of the law. Urban kids who shoplift in our town are merely warned not to do this kind of thing in the future whereas rural kids are sent to reform schools. The rural kid thus learns that if you live in an urban setting, you can steal but in a rural community you can't. The law must be applied to everyone equally. There should be someone who reviews the sentence to insure that this does not happen.

*The right to sentence should be taken away from judges. The judges should be restricted to findings of guilt or innocence. A separate body should be substituted to deal with sentencing. This body should be concerned with impact on the community rather than impact on the system in determining sentences.

*A diagnostic Center could be utilized to determine sentences. The problem, however, is funding.

*An alternative solution would be to emphasize law reform. Update the criminal code in terms of economics and social realities.

Law reform is too slow and ineffective because while reform is taking place, the officers of the court are too influenced by the city councils.

3) Use of Computer Technology to Update the System

*Computers provide a means of keeping a count on what occurs throughout the criminal system. It can trace at which point a person enters the criminal system, extent of his relationship with the system and at what stage he departs the system. As a result, the elements which are most important can be ferreted out. Useless duplication can thus be prevented at every element of criminal procedure. It's an offender-based system whereby analysis info will be available to sociologists and behavioral scientists to make the criminal system more effective. The only problem we've encountered in Missouri is the jealous guarding of the info by each element of the system; however, now the program is feasible. The governor appointed a group called the Criminal Justice System Committee, a group within the LEAA mechanism at the state level who administers the central system. The group is composed of the Chiefs of Police of Kansas City and St. Louis, the Commander of the Missouri State Highway Patrol, the head of the Probation and Parole, head of Corrections, the Attorney General, and the Supreme Court Administrator. The instrument is located in the police agencies of Kansas City and St. Louis as well as the Missouri State Highway Patrol because they are the only agencies open 24 hours a day, seven days a week. This system is termed the Missouri Uniform Law Enforcement System (MULES). In 1969, the three police agencies hooked all the computers together so that the intelligence information in one bank could be received by another one and get basic information out of computers without triplicate files. The results have been excellent in tracing the individuals throughout the system. Each officer within the system is now obligated to inform the system of his work with each offender; otherwise, the computer will print out "deficiency" indicating information is lacking in a particular case. Within the next calendar year the computer will follow the offender into prison.

*What happens to an individual whose case was unfounded? When the prosecutor *nolle* processes the case, is the case purged from the computer?

*The individual can purge the arrest record from the computer upon formal application to the Chief of Police or Prosecutor, depending upon which one disposed of the case.

*The computer would also be helpful in indicating the recidivism rate among juveniles as well as adult offenders.

*It will also help in sentencing in the juvenile area. For example, a first offender in an adult court may have six previous offenses as a juvenile which may be useful in determining the sentence to be imposed.

*Don't you feel that use of the computer in this juvenile area would be

incriminating?

*There would be wise "auditing" when info is first put into the system to avoid this incrimination. In some states legislatures have prohibited juvenile offenses to be used in adult criminal courts.

*Our statutes in Missouri prohibit the *public declaration* or disclosure of juvenile records but there is nothing that says the judge or police can't see it. There should be a safeguard to insure proper entries on one's records if they are to be used in this way. Furthermore, certain information must be privileged to avoid scandalous material (which a police agency may have been previously responsible to protect) against otherwise reputable citizens.

4) How much legislation is needed? Should State Criminal Codes Be Revised?

*I think there is a need to rewrite state criminal legislation every ten years so that if the need can't be certified, the crime should be dropped from the books.

*In code states the need for updating legislation is even more critical. The courts are flooded with cases merely determining the terminology of some archaic code.

*Court decisions modifying statutes should also be updated and clarified to determine what the law is.

*The role of the legislature should not be to legislate procedure.

*The real problem lies with the inability of the agencies to follow case decisions. It takes time for the agencies to familiarize itself with the particular law. Funds should be made available for in-service training to cut down on this time lag.

*The job must be made attractive enough to recruit capable officers; otherwise the amount of training is immaterial. It's futile to spend all the time and money in training policemen to make good arrests if they're working in situations where they don't have a good prosecutor.

5) Subsidization of Victims

*Let me talk about a new system which concerns subsidizing victims of crimes. It seems that in any discussion of system reforms that one must not forget the victim of the crime. What are the widow and children to do when the breadwinner loses his life? This is an obvious injustice of the criminal system; yet, who is to pay for funding such a project?

*Looking back at our feudal heritage, it is the responsibility of the state to protect its citizens. In so failing to provide such protection, it should bear the risk of loss for its victim-citizens. In California there is just such a subsidy program. It covers only the product of the crime but not the time or wages lost. The legislature funded the program with \$50,000.

*What crimes would this subsidization program cover? Murder only, or theft as well?

*Isn't there a fear that the people will abuse such subsidy programs? People will claim to be victims of crimes in order to get compensation.

*This subsidy program could be processed through a welfare agency to be most effective. However, the police and welfare agencies are too often at odds with one another for this to work out in our community. It's time both agencies realized their clients are the same.

6) Future Training for Trial Judges

*How can we get judges to undergo training when they're on the bench? They feel that they know everything that there is to know.

*It is felt in Missouri that the pressure must come from the Missouri Supreme Court to set standards for training trial judges. However, the real problem is who will instruct the judges. Judges won't listen to just anyone.

*There is a Juvenile Courts College which is functioning in Nevada which offers a month long course. Nevada also has a State Projects College which is entirely voluntary for the judges.

*Do you think that the U. S. Supreme Court would require training of judges? Justice Berger has been a leader in this field but it's questionable whether he would take such a stance.

*The problem is enhanced when you consider the time lost on court business while the judges are training. Furthermore, the school has brainwashed the judges to avoid the practicalities of daily life. The California Youth Authority approved a particular facility for housing juveniles. The judges returned from school, looked at the facility and said this was a prison-type facility, not fit for juveniles, so the facility has never been occupied.

*In one state the judges were locked in the penitentiary for one night to learn what their sentences mean.

Recommendations

- 1) Establish criteria of judges, including sufficient *legal* education as per appointment.
- 2) Establish criteria re: Continuation of practicing judges sitting on the bench.
- 3) Urge that *all* law schools have within their curricula adequate criminal law courses both in the substantive criminal law and criminal procedure.
- 4) Encourage criminal clinical programs in law schools.
 - a. Should be to assist lawyers, not to replace lawyers. See *Gideon v. Wainwright* where court states that a person's counsel should not depend upon one's pocketbook.

- 5) Mr. Hartman feels there should be an elite corps of criminal lawyers, possibly government financed.
 - a. Career program for U. S. Attorney's office.
 - b. Career programs for Public Defense.

Successful and Unsuccessful Projects

- *Who will be authorized to conduct projects and dollars to fund it? This is a problem at the outset.
 - a. Education program at all levels through grades 1-12.
 - *1) Lake County Regional Co-op Council
- 35 member group intended to coordinate criminal system. Designed to remedy existing problems and to plan for the needs of the county.
 - 2) Police-Community Relations
 - a. Program which involves community in reducing residential crime has been good.
- *From Missouri with three centers of population. Otherwise rural, some without basic communication.
 - 1) MULES system
 - 2) Interdepartmental Communication which alerts personnel throughout state of existing criminal activities. (Regional Crime Lab)
 - 3) Roving Municipal Judge
 - 4) As far as community based corrections - Damn poor
 - 5) Juvenile program with volunteer basis; each volunteer with proper training. Required time of services, 8 hrs per month. So far, no recidivism. (Juvenile Referral Center)
 - 6) Community relations — Effort to get community citizens to sit down and discuss their problems.
 - a. Sober House-Salvation Army handles drunks for three days and determines if they are to be referred to AA.

WORKSHOP NO. 2

- 1) **Should minimum limits of size (16 including Chief) be placed on municipal police departments by state law.** These size limits are required to provide 24 hour service to the community.
 - *Wouldn't the size merely be a factor of the size of the community? St. Louis County for example is impossible to police properly regardless of there being 70 police departments with 96 municipalities contained therein. Isn't there an underlying question of what should the police function be in order to determine the size of a police department.
 - *Who's going to make the decision that without so many people on a police force that a community is not adequately protected? Any change of this magnitude must be done by State law. Smaller communities can't afford a police department; consolidation in Missouri is not feasible due to the Attorney General's ruling; therefore, towns of 12,000 or less could not receive adequate protection *a fortiori*. This whole question is ridiculous as to setting minimal size limits on

police department. The real factors which determine size of a police department vary in each community depending on: what is the experience of the crime area; what is the size of the community; what does the community want. However, I will agree that state legislation is required in this area.

- *Since individuals are entitled to equal protection under the law, the community's wants should not be a factor in determining police standards. Some individual somewhere will claim to be entitled to police protection. Community wants should not be readily dismissed because what a community wants will be what politicians get done.
- *Sacramento County has a population of 500,000 including the city of Sacramento. We've consolidated all governmental services there. They have planned to apportion cars whereby each community will be limited to a specified number. If an affluent community wants to pay for extra cars it may have them. Any change of this kind must be done by State law for it to be effective. What does the public know about good police service costs? There is a definite need for police education of the citizenry. Show them what a good police department can accomplish and the conditions that are required for a police department to function at maximum efficiency.
- *In cities of ... make arrests, carry weapons or whatever, should there not be a large enough department to insure round the clock protection for its citizens? Should police training be required for the new police? Consolidation is the only way to achieve results for maintaining police standards in small communities.
- *Police training is important but how do you enforce it? In Kansas we required 120 hours of training for officers but the sheriff is elected by the people and since the city won't pay for training its police, inadequate police service is the result. There are four sheriffs running for election now without high school educations. What kind of penalty can there be imposed?
 - The State legislature passed a law that prohibited a county from paying its officers if the officers did not get the minimal hours of training required within a 1-year period. However, if the county paid them anyway, query as to the effectiveness of the program.
- *How can cities go around hiring people to carry weapons without training? The only alternative is a State or National police force which no one wants! Missouri Law Enforcement Assistance Council has adopted minimal standards for police training yet have not followed through with enforcing them. LEAC could adopt a position that they would not fund any police department's request without meeting those standards.
- *On the regional level we have stopped payment but it's a pretty hard-nosed approach. California has adopted a reward system to enforce minimal training requirements whereby the department is given extra money if it follows the standards. The real problem is that officer's salaries are so abysmally low that our law enforcement quality suffers. Is consolidation of police department feasible? Will you save

any money, how does one politically break down the sheriffs? Are there to be any standards in your consolidation?

*In Kentucky we're working on a four-county, non-agency police department. These local units range from 2,000 - 5,000 population. Their common problem is burglaries committed on the summer resortists. These counties all border on the lake and all are having trouble selling lake property which affects local merchants' pocket-books. We won't save money by this consolidation but we will be getting efficiency. Larger city consolidation is also going on in Lexington and Louisville. The sheriffs will consolidate their communications through monetary rewards. The State should establish standards for consolidation. If the community doesn't cooperate with one another, they are cut off from the advantages of consolidation.

*What should the criteria of consolidation be? Who is to determine if there is to be consolidation? For example, if my county has strict prerequisites for its police officials, how can I merge with a neighboring county's police force that is untrained, unlearned or maybe even downright sadistic? How can I subject my own citizens to their control? In my own experience counties are very similar in that they have a common share of problems and are on the same economic level. However, dissimilarities involve pay scales — a problem that must be considered by the community.

*Involved in this discussion of salary is the problem of the Sheriff's office. Here is an official with very little tenure and at the bottom of the pay scale, what else can he do but play politics? The job is so unattractive who can complain that he doesn't have a high school degree! The sheriff's office should be done away with — why should an elected official be charged with law enforcement? Should it be abolished by legislative action or referendum? Each state varies as to the solution. In Missouri for the last five years, we've tried to call a constitutional convention with the consent of the governor but have been unable to get it. The reason is that uppermost in everyone's mind is cutting the size of the legislature which no legislature wants. Therefore we get beat before we start.

*One solution is power politics. If you get enough organizations including Chiefs of Police who want to professionalize themselves, you can get some legislative action. We tried to get standards passed, excluding Sheriff's standards, but failed because we didn't cut across party lines. There is no place for politics in law enforcement.

*When L.A. and L.A. county were consolidated the problem arose as to who was going to be chief. There were 14 local departments out of control over this dispute.

*We've talked about setting a minimal limit on the size of the police enforcement agency within a community but let's turn the coin over and discuss the problem of the maximum size limit of such an agency. Big cities today are a cancer in which people are not meant to live. People are becoming more affluent and start pouring into recreational areas that have five cops. Traffic becomes a problem and

the chief of police of the area requests ten more men for traffic duty. However, the rural problems are dismissed by the cities with big crime problems. State legislation is required to insure some equitable solution. Another rural-urban problem is illustrated by a situation we had in Missouri. Every time Kansas City got a million dollars for law enforcement the rural crime rate rose while the urban crime rate dropped. Furthermore by using the computer system we were able to ascertain that the criminal activity had sprung from residents of Kansas City who were run out by the police. It is agreed that state legislation can supply the only solution in this area. What do you think of the idea of eliminating police in the area of traffic control? Do you think that it would cut down on the money that a police department would need? Traffic is not a function of law enforcement nor are these damn social problems. The only reason police are saddled with them is that it is the only agency of the State on duty 24 hours a day, seven days a week. The hypocrisy of the American people in itself is part of the reason why the police departments are in trouble. Legislating morality is a mistake. We treat misdemeanants who have committed a traffic offense more severely than felons. Misdemeanants go to jail for six months where they get no exercise, nor are any facilities provided. I have one jail that is 127 years old which just got heat installed last year. Many times a misdemeanant will spend more time in jail than a felon.

*We have a work-relief program which has worked rather well that solves some of the inequities in this area. The misdemeanant is provided with transportation to and from work every day if he is gainfully employed but he stays in the cell over-night. We also offer vocational-type programs to the unemployed and find employment for them. These programs continue without government money. Thus we have seen that government money buys only so much. Accomplishment springs from Community desires for change.

*Infusions of money never solve anything. Statistics are too deceiving to mean anything. Whenever I want to I can show a drop in the crime rate.

*Should police power be a function of the community? The reason that the federal government is in these law enforcement programs is that the State programs have failed. If the counties can't take care of their programs the Feds will come in, such as in water control.

*The federal government is needed to show that we all have the same problems so that we can have discussions such as this. At the local level this is an even bigger problem. A new system is needed to bring the level of the over-all criminal justice system up; it may bring some systems down but we must look to the over-all good.

*We now have a unified court system whereby there is equality of treatment in courts throughout the state. There is one central administrator to insure uniformity of proceedings. The old system of magistrate fees has been abolished to attain this reformation. Uniform police enforcement should now receive our attention so that

equality under the law can be furthered. In Missouri, we're trying to make our magistrate courts a court of record whereby the judges are salaried and elected. They will handle state cases as well to achieve some consistency throughout the court system.

*In the State police area, traffic offenses could still be handled by local authorities. Our number one priority should be crime reduction. Since 90% of the police time is spent in non-criminal cases, we must re-organize our police department.

*The social problem must be remedied before there is any reduction in crime. Presently, we are trying to diminish crime to solve our social problems which is backward thinking. Three-fourths of the murders that occur in this country involve family or friends.

*Laxity is also responsible for crime. Property is left out carelessly. Keys are left in cars which is too attractive for a juvenile to take joyriding. The kid ends up with a juvenile record. In my years as a youngster we weren't in danger of getting a juvenile record for the officer would take us home. How many of these situations ought to be diverted from the justice system altogether?

*We shouldn't legislate morality.

*We still need to legislate some guidelines in the morality area. About 50% of crime is due to drug abuse therefore by reducing the drug problem the criminal statistics should decrease.

*Someone has to enforce morals. Every law is a moral statement of some sort. For example, there are laws against murder which is moral legislation. The question is "what do each of us mean by 'moral'?"

*In particular then let's discuss the laws against sex and runaways in our argument on morals. In Missouri a runaway child is treated as a criminal. In fact, a juvenile officer filed felony charges against two men who ran a half-way house that sheltered a runaway child. How can we legislate in this area of morals?

*The reason for crime is money. The city can't be opened to prostitution, gambling and drugs or crime will be attracted to the increased money transactions.

*Morals are always in a state of flux. Archaic laws should be taken off the books. Smoking marijuana and displaying stud horses within 100 yards of a church are old laws that people no longer understand. The law must keep up to date with the changing values. How can anyone respect the legal system if inconsistencies flourish (such as neighboring wet and dry counties).

*As a police official you select the laws that you enforce. This discretion is magnified throughout the criminal justice system; who will the police arrest, who will they charge, who will the prosecutor dismiss, who will the courts dismiss. It has become clearer to the public that there are two classes of people, those that can violate the laws and those that can't. These community standards can only be changed through State or Federal intervention.

*The behavior of people are a function of this double standard within

the community. People will do what they want to do as long as it's not going to get them in some kind of trouble. For example, there are those within our community that can get away with drunk driving and then there are those would end up in jail with a \$100 bond.

*In Kansas the last legislature abolished the offense of being drunk to avoid such double standards. The drunk is either taken home, to the AA, or to a halfway house to be de-toxified. However, the problem still remains that the drunk may injure someone else on the highway.

*One solution to the problem would be Federal legislation making it mandatory for every car manufacturer to install a device whereby the drunk could not start his car.

*Social values affect changes in law only when the public who makes the laws are involved. Drugs were in the black ghetto areas long before they reached the middle class suburban community; however, the drive toward enforcement of drug laws has just recently begun. Leadership in the criminal justice area must thus come from the Federal government to avoid such provincialism. This is the reason that the LEAA program is so important for it allows local control yet threatens more Federal involvement will be forthcoming if the problem is not eradicated.

*It's important to understand how the poor live. The Los Angeles chief of police sends rookie police out into the community dressed in sloppy clothes, and apply for welfare to understand the community in which they will work. I have a generation gap within my own police department. My administrators don't understand my troopers and vice versa.

*We've had 6 million felonies committed last year. We keep better records now than ever before which is one cause of the crime rise. Violent reactions are much more common due to the overcrowded city living which increases the crime statistics.

*Where is the best level of providing control? Should there be a State law? Should the State provide funds? Should the locality be responsible? The problem becomes even more complicated when you consider that so many things cross State lines.

*There is a trend coming whereby local units won't put in for LEAA money due to the control assumed by the federal government (purse-string manipulations). I think the city should be in control. For example, my predecessor got a grant for a drunken driving unit from LEAA. Some time ago we had a riot in the city; therefore I ordered this unit into the area for two weeks. I have just been informed that I must pay for that unit out of my own unit since I didn't use them for the drunken driving program. This is the reason why a lot of Police Chiefs will no longer apply for federal grants.

*In my opinion State government should be responsible for costs and State laws should be the basis for the structure of Law Enforcement Agencies. Some Federal money should also be used to supplement State money. Where do you draw the line on outside control? They will want you to hire people under the "grandfather clause" who may

not be qualified. Poor management is the cause of failure in these programs.

- * The State legislature is always changing its representatives, therefore it is harder to get change at that level than at the Federal level. It took 14 years for the State of Ohio to return rights denied to certain people by State law. The basic argument against the legislation was always "You can't legislate morality or hate out of their hearts".
- * A community gets the type of legislature and police system that they deserve. One group usually controls a community in which the average person takes no active stand. If we inform the public in these communities change can come about at the community level.
- * It takes more than mere education to have a good law enforcement program within the community. The public must support their police, pay salaries that are adequate or they won't have a good police department. Service is their product. The public must understand the correlation between wages and services.
- * We must look to what the people want to have — a good criminal system. It is a felony to commit suicide yet local helmet laws for motorcycles have not passed. Statistics show that of the 78 accidents we had, head injuries were the cause of most deaths.
- * Our criminal justice system is floundering just because people are thinking of the "here and now" instead of the "there and then". When you think of how the laws affect you individually instead of the community as a whole, it marks the end of civilization.
- * The criminal justice system is ill, i.e., apprehension, detention, and rehabilitation. Does the convict before he's released from jail recognize the distinction between punishment and correction? A certain level of treatment should be required by law for juveniles as well as adult offenders within our prison system. I foresee a time when prisoners will be allowed to visit home and board there instead of jail.
- * You do-gooders don't realize that there are hard-core criminals that can't be rehabilitated. They should be locked up permanently.
- * This is true, however, their percentage is so trivial as to be negligible.
- * As to the question of whether the State or Federal Government should handle the criminal system of the community, my opinion is that the Feds are too large to solve police enforcement problems. The State is going to have to step forward to avoid excessive governmental entanglement. To avoid different philosophies of treatment only ONE agency can prevail. Since most of the money comes from State governments for the criminal system it is reasonable that it should be THE agency.
- * State politics is a necessary evil that must be balanced against Federal intervention in making that decision.
- * It's better to have state politics than Federal intervention. If a country wants a low level of police enforcement then give it to them. Minimum standards can be gotten from the state. Grant and aid programs can insure that locals maintain these minimum standards.

- * Do you want to give up funds for a local system just because control at the Federal level is too strict?
- * You can't serve two masters at once. The federal government was trying to exercise too much control over their money. It is often not even aware of the problem facing the community. Too much politics is involved in dealing with the government.
- * Whenever you go to the State or Federal government for help you've compounded the bureaucracy that much more, which makes it that much more difficult to work with the next time.
- * Should the state governments with or without federal help assume all justice system costs except those of police salaries? Whoever sets standards has a right to set salaries for the police.
- * Under the California system of training police \$1.00 is tacked onto traffic tickets for this education. Colleges are sub-contracted with this money so that training becomes automatic in California.
- * Some states allow pay increases only with training for police.
- * State must establish a minimum salary for police for you can't rely on local governments to pay salaries. State grants-in-aid programs could be set up. How can the State exert its authority without picking up the tab? If the state sets standards for the city it must pay to keep those standards.
- * Some of the training by Missouri LEAA supplied to local officers in the first of its kind to be received.
- * The Highway Patrol funded by the State could enforce all traffic offenses to allow the local authorities more time and money to handle more serious crimes.
- * The costs for one car per year in the Highway Patrol is \$41,000. Furthermore it would be hard to get cities to accept the Highway Patrol.
- * If the Patrol would start in the major cities eventually it would be accepted within all towns. In Sacramento and L.A. the State patrol is presently writing tickets.
- * The correctional system should be discussed. The arresting officer begins the correctional system — the way he does it can shape the process. Too seldom do police realize it. In the area of these non-crimes such as drinking in public places, drugs, and juvenile delinquency double standards often abuse the system.
- * To get results in these victimless criminal areas any means should be allowed that gets results. Plain clothesmen do an efficient job of handling these offenders in St. Louis.
- * The police role should be re-defined to distinguish between offenses against life and property and self-damaging crimes.
- * The turnover rate on the force is another problem involved in training and corrections. Field investigators should be able to fill higher positions than patrolmen when they leave — to insure a well-educated force. Turn-over rates have been far too high on most forces.
- * A Public Safety Agency might provide a solution separating crimes from non-crimes. The fire and police departments could be con-

solidated within this agency. The traffic offenses could be handled here whereby all administrative duties were dumped into this one department.

- *Traffic tickets produce income to small cities which they would not be anxious to release.
- *Costs that the cities would no longer have to pay due to State involvement would balance out the loss of revenues for these smaller cities.
- *Offenses committed by juveniles and minors have risen dramatically. We should emphasize prediction of crime more than combatting it. Truancy and drop-outs are criteria whereby teachers could predict potential criminals. Teachers should then have the duty to work with these children at this state prior to anything more serious occurring.
- *The government can't get into the family before the child goes bad though.
- *Operation Headstart and Day-Care centers are promising in this regard.
- *Missouri Public Education Commission has State grants-in-aid programs for identifying problem children.
- *I oppose government intervention into the family unit.
- *Certain low-income family units produce more troublemakers and more children; therefore, we should try to prevent future problems dealing with this unit.
- *Is a unified court system a feasible goal for each state government? We all agree that the answer is yes. How should personnel be selected?
- *A court administrator should be required to be overlord of all courts and personnel. This will establish once and for all that there is a boss.
- *The major problem in dealing with the court system is the inequality of sentencing followed by different judges.
- *California has a Criminal Justice Research Center whereby representatives of all levels of law enforcement are in one place to insure equality of treatment.
- *Under the non-partisan plan of selection of judges it is impossible to get a judge removed.
- *Judges need training in sentencing and administration. There is no training of judges in Missouri.
- *My conception of the judiciary has changed, for people who get appointed to high office often change for the better — e.g., Hugo Black, LBJ, Harry S. Truman.
- *The Circuit judge is still elected, yet the voter doesn't have much of a choice — it is virtually a popularity contest.
- *A judge should be selected on the basis of merit.
- *No matter what the selection process I believe the judges should be trained.
- *Should corrections be regionally oriented or community based with standard setting and funds from the state? Missouri believes that

community-based corrections system is the answer.

- *No town wants community-based corrections there. Even poor towns wouldn't benefit from the prison industries. By statute, only governmental agencies can buy prison manufactured goods.
- *In Ohio, prisons are so isolated that prisoner's families can't visit which has recently brought an uproar from those concerned.
- *Should detention and correctional programs be regional? Separate? Rehabilitation has not worked on a large basis since there has been no help from the State. The state could benefit from these programs. Is probation working in California?
- *It has hurt the jails for only bad criminals are left.
- *If the program is local then the rural county can teach the criminal farming while the urban county can teach him skills.
- *We are presently trying to set up a county jail without bars for misdemeanants. We need to get a parole program in all areas of Missouri — separate the first offenders.
- *In Jeff City all felons are thrown together which is often detrimental. The American Correction Institute spent a lot of time in the design of a jail which separates the dangerous offenders from the non-dangerous ones. The non-dangerous are given their own keys and their own cell. At Moberly the inmates also have their own keys; however, there has been problems due to the relaxation of the guard staff.

WORKSHOP NO. 3

1) **Is there a legitimate national interest in the setting of standards and goals for the functional areas of the system of justice (reference S.B. 400).**

- *The National Advisory Commission on Criminal Justice Standards and Goals began in 1970 and was the successor to Katzenbach's Crime Commission. The committee's goal is to set minimum standards in the various fields of criminal justice. The organization of the committee is as follows; there are 23 commissioners headed by Governor Peterson of Delaware, representatives from all the states within the Criminal Justice System, and representatives of business, labor, minority groups and the like; on the next level there is a full time staff funded by LEAA; besides these two levels there are four operating committees composed of Police, Courts, Corrections, and Community Crime Prevention; within each of these committees are 15 men with a full time director and staff; in addition, there are 9 advisory committees composed of 13 men each. The committee functions as follows: the 23 commissioners and the directors of the committees develop a paper containing minimum standards within the Police, Courts, Corrections, and Community Crime Prevention areas; the 9 advisory committees then review the paper and make suggestions; the paper then goes back to the four operating com-

mittees for revision; then the paper goes up to the full commission for revision; then back down to the four operating committees; then up to the full committee for minimum standards. It is appropriate for those groups to be setting minimum standards or goals for the nation? If it is appropriate, then how should these goals and standards be related to the state prosecutors, police, communities and courts.

*How can the Federal Government set standards for a system that does not exist? Educational standards are not feasible since manpower is lacking in the local governments to meet those minimum requirements.

*There is no direct input by professional associations into the Commission's operations. There are several professional groups that could benefit the workings of the Commission that have not been utilized: International Association of Chiefs of Police, National Sheriff's Association, The National Prosecutors Association, National Public Defenders Association, The National Counselors, Trial Court Judges Association, American Correctional Association, State Correctional Directors Association. Should these professional organizations set standards themselves or should it be a national group process?

*The local communities should not be omitted in these standard setting procedures. There is a Community Crime Prevention Program set up by Governor Peterson himself whereby a more important role is given to the community relating to its crimes. Prior to this program the community left the crime to the police, prosecutor, courts, and corrections. Community education, community courts, program within the community, business and labor have changed the lackadaisical attitude.

*LEAA or Congress must coordinate these local efforts. Presently each state has its own system of justice without knowing what other states are doing because of lack of communication. Involved in the problem is useless duplication by states of programs already found to be futile by other states. Must each state re-invent the wheel? Information centers are needed to exchange different state's problem answers, and attempts.

*There are enough standards already — implementation of these standards is now required. I think that flattery, involvement and cajoling of the court people are the first steps to establish standards; influencing the judges by their own involvement on the decision making level will follow. A sudden jolt is required to make stagnating machinery innovative. There is a real need for private competition in the criminal justice area whereby local communities could purchase private services. Competition with the public service would solve many of the problems now confronting us. In Arizona private fire department furnishing adjacent towns with its service caused a renaissance in the public fire department of the surrounding communities. The color of their trucks were changed to a more visible yellow as well as increasing the storage of water by purchasing additional gas storage tanks sprayed with a wetting agent

order to keep in competition with the private agency. Shaming the public agencies will bring about needed change.

*I also want implementation of present standards but national uniformity of standards is required.

*Competition is required for change but private agencies are not needed to supply governmental services. Inter-agency competition would work much better. An evaluation team could rate different programs and individuals to shame other agencies into bettering their conditions. I have considered the idea in regard to probation departments in my area.

*There is a real need for close supervision in implementing that kind of program. There is a surprising lack of advisory personnel within the system. Computers could supply the answer to most of our administrative problems, though.

*There is also a lack of long range goals in the system of justice. What are LEAA's long-range goals? Standards should be shaped with these goals in mind.

*Roles are intertwined in this discussion of standards. The role of police differs from community to community, therefore, how can we establish standards for each community. For example in the less populous areas a policeman is required who functions like a door shaker — he doesn't need very much education or training. In the larger cities the police are saddled with an investigative function of collecting evidence and presenting a case to court. Therefore, let's speak of standards in terms of roles on the state and local levels in any further discussions.

*Let's reject the idea of the setting of goals and standards nationwide but accept the proposition of county or statewide levels.

*We are an advisory committee to set nationwide standards, therefore, the question is moot. Implementation is now required for whatever goals are to be set. Involved in this implementation of programs is the problem of extending time for innovative projects. LEAA allows only two years for a program to be effective. We are always under constant pressure to write new plans. Most of the time is lost starting up the program and asking to be refunded.

*Standards and goals will provide a measuring device whereby we can measure our efforts against these national standards to improve our own state facilities.

*It should be up to each state individually to implement these goals. Each state would have some problems meeting particular standards.

*Some standards should be uniform such as the maximum number of days in which a felon should receive a trial.

*There are too many differences between individual cities to promote any nationwide standards. Population or wealth would be a better classification procedure.

*We are missing the point. Implementation is the key. The American Correctional Association had set down some great standards over 100 years ago that still have not been implemented. The real questions

are: how are we going to get it done? How are we going to get the citizens interested enough to demand and pay for the services that are needed?

2) **Should a regional justice council be established within the state to administer justice or await general governmental consolidation?**

*Such a regional council perhaps would bring different departments of the Criminal Justice System together to find solutions to problems. The chief of police, judge, and prosecutor would be allowed to plan cooperatively. We shouldn't await for general governmental consolidation.

*Furthermore, you set an example by regionalization of the Criminal Justice System for other consolidation such as fire departments or sewage disposal. No governor is going to come up with a plan like that or he would be voted out of office. In addition, it destroys suspicions that Missouri hill people have in regard to lowland people by realizing the same problems face everyone.

*There is no possibility of regionalizing in California for one would have to restructure the entire justice system from county to regional forms.

*In Missouri we have two regional projects that have worked rather well. There is also in the offering the Kansas City Regional Confinement Facility funded by LEAA money. It has a three county jurisdiction holding up to 60 prisoners. Furthermore, a confinement facility for women may also come into being. The founder of this program also intends, through LEAA and bond money, to build a new regional jail adjacent to the municipal farm which would serve a five county jurisdiction. The Regional Center for Criminal Justice primarily funded with LEAA money trains police. Our Regional Crime Lab services a five county jurisdiction which has worked well since its initiation six months ago.

*A regional police department is now forming in Kentucky. Five counties with a burglary problem which state and local police couldn't handle in a resort area are beginning to regionalize. The function of the new department would be to lend technical assistance to the area.

*I saw the issue as the regional administration of justice rather than referring to regional cooperation which is why I said it couldn't happen in California. The question should read "Should a regional justice council be established within the state to plan for criminal justice and establish a basis for cooperative development, or await general governmental consolidation?"

*We all agree then that regional planning and cooperation are beneficial. Guidelines for regionalization are required in the manner of legislation.

*Legislation is secondarily important. Personal involvement is the answer.

3) **New approaches in community-based corrections and related bonding, probation, and parole practices.**

*In Indiana we have had several successes in the probation and parole fields. Programs such as the Student Intern Probation Officer's plan, volunteer probation officers coupled with work release programs have all been very successful. There have been no violations of the work release program, and it has brought money to the jails. Work release centers will be established whereby ex-convicts can work with kids.

*Missouri has a work release statute but community consciousness prevents the initiation of a wide-range program. Citizen education is required in this field.

*There have been many good reports about the misdemeanor parole program in Kentucky. It has prevented felonies from being committed by misdemeanants in order to pay bondsmen.

*Missouri has Magistrate judges handling misdemeanants, but no probation people work with them except in a very few communities.

*The Regional Justice Council has advanced community-based treatment as exemplified by work-release programs and misdemeanor probation plans; however, there is a serious lack of personnel within the probation program.

*Shock treatment programs have also been successful whereby a misdemeanor is given a taste of jail to see what he will miss by being probationed.

*Penal institutions are bad even for a short time in that the misdemeanants could pick up criminal habits very quickly. The shock treatment program should be discarded.

*There is a need to classify criminals for treatment depending on the kind of crime committed. St. Louis County now has such a program with community-based treatment centers. Such successful projects should be publicized, and bad publicity should be avoided where possible to advance model projects.

*Conjugal visiting has been successful.

*Illinois' Uniform Code of Corrections has a furlough program whereby a prisoner near release time can go home on weekends to visit. Citizen education of police and prisons was recommended by the President's Commission in order to effectuate other plans like this one.

*Missouri has tried to educate its citizenry, but it has been unsuccessful due to lack of personal involvement.

*Education should begin with the school children.

4) **Police projects successful in changing operations and services.**

*There has been a great deal of resource pooling in Kentucky. Police departments of rural and city are merging; computer teletype with a national linkup and local terminals with 24 hour dispatching service has been implemented; and evidence collection teams have been quite successful. Mobile laboratories have failed though due to lack of

expertise in analysis and jury presentation.

*In St. Louis we have several successful programs. A Regional Crime Lab is quite effective, however, local sheriffs prefer to use state facilities. The Major Case Squad has a mobile unit and technicians as well as special people to present evidence to juries which is functioning quite well. Thirdly, we have a Management Information System which is a regional program of computer cooperation — it may someday include Illinois to analyze license plates in Missouri. In addition, we have a training academy of police which is limited because the county pays the city for the facilities.

*The State Highway Patrol has a mobile training academy for local police to avoid the trainee's absence on the local force. It trained over 1800 last year.

*It would be better to give replacement money for the local officer's absence than to have these mobile units due to the cost factor.

*In Kentucky we give a 15% salary incentive to police who meet minimum standards in the area of training. The funding came before the legislation. In Missouri you could also buy these standards.

*In California there are too many information systems with needless duplication. The Police Training Program also has useless duplication. The STAR project which involves four states had tried to identify the role of community police, and determine whether civil or criminal training is needed. In addition, these states are planning in the crime lab area.

*What is the best way to conduct studies of this sort? Contractor studies have proved inadequate whereby outside surveys are made. Shouldn't LEAA be the source of the studies? Insiders provide most of the input even in these outside studies.

*There is a conflict of interest in evaluating one's own programs though.

*Regional LEAA should be involved in these decisions.

*Studies should be required if large money projects are involved. We conducted a survey in Bellflower, California from house to house informing residents about safeguards to burglary, and it has been quite successful in reducing the numbers of burglaries in the area. In San Francisco close contact with narcotic addicts also slowed down burglaries. Crime codes are needed in the community similar to fire and building codes to protect the citizenry.

*Project IDENT is a program that allows the homeowner to register his valuables with police. An engraving team stamps some identifiable mark on them so that they can be easily identified if they are fenced. Furthermore, in St. Louis the pawnee must have his photo taken by the pawnshop. Both plans have worked.

5) Court administrations and operations improvements in the area.

*St. Louis has many problems with a backed up docket. How is the time lag handled in Kansas City?

*The circuit court can use the police computer whereby input is given

by the police and output is given to the court.

*The weighted case load system is practical in this area. Studies find the case load of the circuit and then provides the number of judges needed to handle it. An automated court transcript is used in California occasionally.

*Audio-visual taping and the software system is inadequate due to the legal questions involved.

*There is a need for independence of the judiciary to avoid conflict of interests. The MERIT PLAN in Missouri for appellate judges is a solution to this problem. The Governor's appointments for vacancies are liable to be biased with quality overlooked. The people don't know the judges, therefore, there is no need for an election. However, by retaining the judges in a popular election based on their record it becomes more than a popularity contest. A commission such as the American Judicature Society should narrow the selection of judges for the Governor to select. This will cut down on the backlog of cases since the judge has time in court to try cases rather than out campaigning. In California the Judicial Council evaluates criticism by the people against the Judges. Professional court administrators would also lessen the burden of case load on the judges. Conferences would also be a way of informing the people and judges of inequalities in the system such as the AJS has done.

WORKSHOP NO. 4

1) Planning and Problem Identification

*Dayton has always been regarded as one of the most creative police departments due to its police planning activities. How do you get your resources to draw up long-range plans?

*Reorganization was the key. I brought in an expert to evaluate the department when I first became Chief of Police. This man worked with patrolmen and found that there was much dissent as to leadership in the force. Promotion was based on how good a patrolman he was as opposed to how good an administrator he could be. This "Peter Principle" of selection leads to poor leadership. I conceived of a planning unit made up of dissident patrolmen that initiated ideas and got LEAA funds to carry these plans to fruition. The team policy was to decentralize police protection, to supply a release valve for the community. By visiting community groups within the Black area, the police and citizens could interact with each other more easily. Communities should function as a decision-making body with the department. We got a grant to develop police guidelines and policy positions by interacting with the community to find mutually-acceptable goals of the police force. Local non-police citizens should be brought into the planning function of a police department to give viability to any long-range goals. Furthermore by appointing a Black as Assistant Chief of Police my programs were acceptable to the black community.

- *How does one go about gaining citizen involvement?
- *The National Council of Criminal Delinquency has a citizen action program whereby these groups seek out advice from minority groups as to their concept of the administration of justice, i.e. not just police but probation, jails, etc. In Central Harlem we received a grant to organize a citizen's committee on crime and delinquency prevention. The group has functioned now for 2-1/2 years with considerable success in that now it has gotten a proposal up to the Criminal Justice Coordinating Council in New York City. Citizen involvement is necessary to have a viable plan.
- *Traditional ways of representation have changed so much that one must not overlook the individual. To get community involvement can no longer be done by picking out a black and saying he represents the black community. Blacks may not think of him as a black if he is a wealthy businessman living in the white areas. We should look in the area of community planning to get answers to these problems. People should have an avenue of access to the system of justice at the planning level. The people must not feel that they have been cut out of the system.
- *One of the problems with community involvement is that some local citizens have used these programs to further their own commercial interests. You don't just need to get a citizen on a committee but rather need one who is informed, interested, and without a vested interest in the economic community to avoid conflicts of interest. The National Council on Crime Delinquency has taken a position that each state planning agency should have 50% citizen membership which for the reasons stated could be detrimental to programs. The Model Cities Program was just such a plan that failed due to self-advancement of commercial interests by the community members.
- *A further problem involved in representation is maintaining the support. The broader your representation is, the harder it is to satisfy their needs with each new program.
- *There is too much waste due to infighting between the Federal Government and the State. There has been a serious lack of coordination of programs. This is exemplified by the Oklahoma City situation where the LEAC funded Oklahoma City separately from the rest of the State. Crime doesn't stop at the city limits; yet who is to call the shots — the State or Federal Government? Each state handles its planning differently; however the Federal Government is not going to change it.
- *The whole function of regional agencies as I saw it was to bring decentralization of federal and state programs into a regional area. Missouri depends on regional planning and services rather than county consolidation.
- *Minorities see this regionalism as racism. It diminishes the power they have gained in the cities.
- *Another concept involved in this discussion of regionalism is the decrease of the local law enforcement department. Small police for

ces are a problem due to their lack of training for the officer may be the only one in the area.

- *The Sheriff's office should be abolished. Use the State police body and allow the local cities to be the only local law enforcement agency. The civil processes could be handled by some functionary in the county government. The jails could be maintained by the correctional administrator. The problem is that sheriffs lack professionalism since there are no qualifications for the elective position.
- *Maybe this is a factor that is wrong with the entire criminal justice system. The Sheriff's office should be appointive rather than elective.
- *Query as to whether the merit system with its tenure is the right answer. The Elective system at least allows the people to vote out people that don't do their jobs well. As people get settled in their job they become resistant to change. Of course, people are entitled to some degree of tenure and security but determining that degree is the problem. Bureaucracy tends to perpetuate itself instead of providing services.
- *The blacks in my area refuse to take civil service exams because they are irrelevant. Some modification in the civil service area in my locale is now underway.
- *Is there some way to get incentive on a job besides offering security? Can we make achievement a greater incentive than security? This is the job of the planner. Now could the regional planner be more effective? Would they be more effective if they were state employees and isolated from some of the pressures of the local community, or would they be more effective as being hired by the local council?
- *LEAA is a good example of local versus state government problems. There is no use in having county planning agencies unless they have the authority as to money expenditure of LEAA grants. Presently they have the responsibility of making suggestions to the State of how the money should be spent — but it is ineffective. As long as the majority of the money is to be spent at the local level then the local level ought to have some of the authority for spending it.
- *Some of these local plans however may be repugnant to State plans.
- *Rural problems are best known by local people.
- *The whole idea of regionalism is to replace the county boundaries with the cooperation of the State system. The position that exists is impossible for the problem of whether one recognizes the new federalism or whether one favors State's rights has been compromised. The criminal justice planning process becomes anathema as funds are directly fed into city government by the Federal Government on the one hand; yet, on the other hand, State's righters are sought to be appeased.
- *We really have no regionalism in this country for it has no force of law. Regional forms of government have no power. In the Minneapolis/St. Paul Region the regional government does have the power to levy taxes for certain functions that would best be served at the regional level such as airports, highways, water and sewer

systems, and parks.

- *So we really need reorganization at the regional level of rural areas?
- *Since most of the crime is in the city, why not give the city most of the money to alleviate their problems? Division of money is too often based on politics.
- *In Missouri, money is apportioned based on crime and population.
- *The Federal guidelines state that population alone is not a sufficient basis to appropriate money for law enforcement. Crime is not such a good factor for statistics are too easily manipulated to get more money. Population is not a good factor by itself for the central city is ignored. There should be other factors considered.
- *Smaller cities don't keep records of their crime statistics either.
- *It is important to determine what programs are the responsibility of the region and what are the responsibility of the State. Law enforcement would remain with local areas in my opinion.
- *In the Hawaiian law enforcement system we draw upon the private sector such as the YMCA in the area of prevention and rehabilitation. It avoids many governmental problems.
- *This is a point that I want to make to initiate new problem-solving techniques. Police should be such professionals that the rural could interchange with the urban and be as efficient in their new post. Bringing in inputs into the police system from other governmental areas should be expanded to achieve this professionalism. It may cause dissent in the police department but it's better there than on the streets.

2) **Is "crime specific or problem specific" planning the most effective means of attack on crime problems?**

- *Crime specific approaches are shallow. Last year the drop in crime occurred in crimes against property but not in crimes against persons. The crime specific approach encourages public officials to manipulate statistics to show their programs are successful. I agree with Vance Packard's view, that our nomadic industrial society is largely responsible for crime increases. The problems that cause crime go much deeper than mere statistics. The breakdown of the family unit makes one a psychological nomad and has destroyed our societal structure. Lack of trust is an outgrowth of mobility and pursuit of material goals.
- *We have to strengthen the family to solve our crime problem. We have to start building pride in our community. I don't think the little people believe in anybody who's in a position of authority — whether he's in government or business. Everyone is perceived as acting out of their own economic self-interest.
- *The problem specific approach is based on system analysis. What types of things within the system cause its problem? Criticism with this approach is that we just grease the system of justice to make it run better but don't fix it. For example, we can't prevent muggings but we can process them more efficiently after a problem specific

program. The crime specific approach is a statistical analysis of your problem. It centers upon prevention and a reduction of crime.

- *The crime specific approach centers upon "control" rather than prevention of crime. I'm not sure that we know what it means to say that crime can be prevented.
- *There are two (2) basic elements of prevention: the desire to commit crime and the opportunity to commit a crime. We must focus in on what is involved for each element. The desire to commit a crime is a result of injustices within the system itself whereby the individual won't obey the law since he had no input in making the law and he doesn't agree with it. The opportunity to commit a crime, such as stealing cars, can be prevented by educational programs within the community so that people will take their keys out when they park. Sixty-five percent (65%) of all cars are stolen with keys left in them. From a crime specific approach you can statistically reduce crimes by running educational programs.
- *The problem with this however is that the crime will rise in areas where these Traget hardening programs don't exist. The Crime specific approach merely shifts one neighborhood's statistics to another neighborhood. We must concentrate on the consequences of crime prevention within the U.S., not within a community. In other words, if we reduce crime in community by "lock your car" programs; will there be an increase in auto thefts in Community A? Or, if Community A has a similar program, will those who have a desire to commit a crime commit crimes more dangerous than auto thefts?
- *When you put on a campaign against armed robbery, then instances of burglaries increase.
- *The crime specific approach is understandable to the public and it's desirable from the public point of view, but I don't think that it's going to get us where we want to be five or ten years from now. We should concentrate on strengthening our major institutions such as the home and the school. Cities have money but don't have a plan to use it to combat crime. Money is not a solution in and of itself.
- *Some other important considerations here are questions of how much crime is our society able to cope with? How much electronic surveillance are we going to allow before it destroys our life style? What type of society are we moving toward? The more totalitarian society we live in, the lower the crime.
- *Crime specific approach is useful initially followed by the problem specific plan. There are crimes you can prevent such as robbery — by hiring police patrols — and installing better street lighting. The LEAA program is "nickel and dimed" to death. If we really wanted to make an impact on the system itself, we should take the entire grant in a specific area and cure the problems area by area. If the court system is the problem, tie up all the grant money for two years and solve the problem there, then move on to another area of the criminal justice system. How is funding handled in Hawaii?

*Programs are designed before LEAA money funding begins. People are not hired directly by LEAA. It is the responsibility of the county to hire the police and attorneys necessary for the area of the Hawaiian County involved.

*The whole theory of government — "seed money" — is not viable. There is no way any of the cities and states can pick up all of the federal grants that are funded after LEAA "seed money" ends to carry on the projects by themselves.

*Money isn't the total answer to these projects. Administrators can act and, if willing, cause a great deal of improvement. The problem is that administrators often feel that they don't have the "know-how" to act in an innovative way.

*The Federal Government must divest itself of its taxing power to a certain extent and return it to the states and municipalities so that they can collect the revenue that is necessary to hire able administrators and run these programs. We need to cultivate leadership qualities in existing administrators and concentrate on getting more qualified leaders into the criminal justice system.

*If the criminal codes were modernized by the legislatures, the justice system could run more efficiently. Victimless crimes such as gambling and traffic should be taken off the shoulders of the criminal justice system. For example, we have a program in Hawaii of deferred acceptance of a guilty plea. Where the criminal defendant pleads guilty to the court, the court can withhold the guilty plea for eighteen (18) months if the defendant does not get into any more trouble. The court can therefore keep a felony conviction off the defendant's record, and the defendant has a better chance to be rehabilitated. The program is very effective.

*This raises another point. The Federal Government should combine and disseminate information on effective crime programs as well as ineffective ones. There is too much wasteful duplication of programs.

*I think it's a shame that the International Management Association is the one that has to do this type of work in evaluating programs. It ought to be done by LEAA personnel. The problem is that when projects start to fail, then the goal for the projects is changed without a formal statement of the change. Cities won't face the fact that sloppy planning produces failure. Illustrative of this point is the fact that ninety-five percent (95%) of pilot projects used no baseline data in arriving at their conclusions.

*The evaluation of these programs could exceed the cost of the program itself, however. Furthermore, how do you evaluate equipment?

*You don't have to evaluate police equipment. LEAA has replaced worn-out and needed equipment. The point is that we shouldn't be spending all of our resources on this and neglecting the problem areas within the criminal justice system. In the future, LEAA should

condition its gifts of equipment upon changes and reforms. For example, police should be given equipment if they institute police-community relations programs.

*Such conditions would never work in rural areas where one-man police departments are prevalent.

*All right, it may not make any sense in a one-man department but it has worked in other small rural areas such as Alton, Illinois. The Illinois Law Enforcement Commission granted money for riot equipment with a stipulation that a matching grant of \$10,000 be granted to establish a community relations program.

*Even in this equipment area we must have an evaluative component. In Detroit, the police chief has a mobile unit in all of the police cars as well as having installed permanent units within the cars. We doubled our costs and wasted our resources by not asking in our grant whether the permanent units had been taken out of the cars.

3) **Should justice system planning and project administration be a creature of the state, local, regional councils, or several?**

*I interpret the question to mean "Should the state agency be a state planning agency to decide all plans for all departments of government, or should they strictly be a 'pass-through' agency passing all funds and responsibilities to the regional council?"

*I don't know how it is politically possible but I would like to see greater emphasis on the problems of the cities and the LEAA program has suffered because we had to include everyone. For example, when you are talking about the crime problem in Illinois you're talking about the crime problem in Chicago. I feel disturbed when I go into a city and find pilot cities, model cities, plan variation, regional law enforcement councils and many other agencies in the process of criminal justice planning without any common purpose. No one is sure what the objectives are. We haven't planned effectively for criminal justice up to now. We should impact a section of the criminal justice system and put all funds in that area. LEAA has been too often criticized for pouring too much money into the police section of the criminal justice system, therefore, we should counteract this by concentrating our efforts into other areas of the system. If we're going to make any headway in this field of criminal justice, it has to be better organized and administered than it is today.

*One approach to funding is that carried on by New Jersey. LEAA has selected large cities and counties where ninety percent (90%) of the crime occurs and funded only those regions with the entire grant given to the State. They omitted the rural counties and those cities with less than 15,000 population. However, New Jersey is an exception among the states since it is the most highly urbanized of all the States.

*The primary emphasis of LEAA which is presumably a forerunner to further revenue sharing is that the money goes to the state and not to the cities. The problem is that large cities in most states are political

battlegrounds with the State. The mayor and governor are from different parties or just don't get along. So by channeling all the funds into the state, usually your large cities with crime problems get the short end of the deal.

- *To complicate the mess even more, the rural areas of the states have more voice in the legislature than the urban areas which are faced with most of the crime. There is a need to put the money where the greatest problems are.
- *A solution might be to designate a base sum to all areas within the State. The rest of the money could be distributed on the basis of population and crime.
- *We are not discussing a key issue here which is that of correction. Should the funds go to the area where the crime was committed or to the person who is responsible for correcting the situation?
- *The correctional system is a mess throughout the U.S. Some states handle it locally while others favor statewide correctional plans. A statewide master plan is needed. The legislature should consolidate the county jails and take that function away from the counties.
- *The counties won't give up taking care of the jails.
- *Unless the state planning agencies take on a leadership role, planning will go back to the locality.
- *Planning in some instances should go to the locality. Who knows better the problems of the Dayton Police Force — a state planning agency or the police force?
- *Regional planning, not local planning, should be emphasized. There may be four (4) other programs involved in the criminal justice area in Dayton, such as the Model Cities program, which the police could know nothing about. There must be a way to coordinate all the criminal justice programs. In Honolulu, all federally-funded programs are now in one office including the city and county.
- *We are still trying to get the Federal Government to recognize these multi-functional planning commissions in the State of Missouri. The law enforcement office and the regional planning office are in two different places. How do you coordinate those together?
- *In Honolulu, we have four (4) counties with each county recognized as a region. There is no municipal government. Our juvenile delinquency planning encompassed the local and state agencies to avoid two different agencies funneling money into the same agency to accomplish the same goal. A serious problem is that the actual area of involvement in the State and the local has never been defined. There should be someone responsible for the successful operation of each plan.
- *Who is responsible for project administration after the project is once planned? Does it become a regional responsibility or a state responsibility?
- *I believe it is a joint responsibility.
- *Analyzing the issue legally it is the responsibility of the State since it is the grantee of the funds. Therefore, how far can you go in

delegating that responsibility to another agency which you have no control over?

- *The State has a lot of control in actuality — such as monitoring and auditing — to make sure there is no intentional misuse of funds.
- *Another basic criticism of LEAA in its planning process is that it has never required an initial inventory of the criminal justice system. In Illinois no one ever knew how many jails there were until the University of Chicago started a program that actually counted the jails. We should then determine where the gaps in service are by some set of standards.
- *Should the State establish these standards? Why should LEAA tell us where to spend our money since they aren't familiar with our problems?

WORKSHOP NO. 5

1) Is a unified court system a feasible goal for each state government? How should personnel be selected?

- *The unified court system is merely a simplified court system that eliminates many courts. The main focus is on the trial court; ideally, the state will have one trial court as in Illinois and Idaho. The basic idea is to bring business management to the courts. The management responsibility is placed on the Supreme Court so that the Chief Justice becomes the chief administrative officer. The problem with the current court system in the U.S. is the fact that each court is in its own little kingdom, with each judge being the administrator of his court. Some judges don't handle their administrative responsibilities very well. Under the unified system there will be various levels of administration: local, regional, and state. In the more metropolitan areas the Chief Justice will pick a chief judge to be local administrative officer in each of the different geographical areas of the system. A state court administrator will assist the Chief Justice in the housekeeping details of hiring and firing personnel, arranging the vacations of personnel, buying materials, etc. Local administrators will assist chief judges the same way for more metropolitan areas. There are various divisions within the unified court system: municipal, misdemeanor, juvenile, probate, civil up to \$10,000, civil \$10,000+, felony and serious felony divisions.
- *Describe the operation of the unified court system.
- *It operates by a highly computerized system. There is one clerk's office in the circuit whereby cases are automatically assigned to the correct court. Under the old system for example in Illinois there were 110 courts, each with its own separate clerk. Under the new unified system there won't be any such thing as getting the case filed in the wrong court because there is only one court.
- *From the time of arrest what happens under the new unified system?
- *An arrest report is sent into the state attorney's office and also into the clerk's office where the matter is docketed. The case will then go

to whatever division is involved. The police officer shows up on the assigned day of the prisoner arraignment and a hearing is held by a law-trained judge. These law-trained judges are called associate circuit judges and they are selected by the circuit judges in that particular court. These associate circuit judges are non-political and full time personnel of the court. They have their own pay scale and retirement plan and serve for 4 years at which time they can be re-appointed again. The term "unified" comes from having all courts under the ultimate control of the Chief Justice.

*Is there some kind of model recommendation describing this system?

*There is no single outline of the unified system for each state has a potentially different new court system based upon two factors: What the state had in the past which involves the legislators making changes, and secondly, what in the legislator's judgment they need for their state. The identifying feature of a unified court system is the fact that one man is answerable for the entire system. The thrust is to make the courts more business-like.

*What are the effects of this unified system?

*There are five aims of a unified system of courts: One, there is centralization of structure by the use of an administrative office for making the system a business-like operation; The dignity of the court system is enhanced by allowing everyone to have law-trained judges make the decisions in all cases; thirdly, in addition to having a neutral judge all court proceedings will be held in dignified surroundings rather than in the garage or barber shop of a small town; fourthly, a record will be maintained of these proceedings so that appeals can be taken from these lower courts rather than having a trial *de novo*; fifthly, the number of appeals will be reduced since appeals will merely be a review of the lower court record. The whole criminal justice system will be advanced since law enforcement officers won't have to give up two days for two different trials to appear in court.

*The manpower costs will be greatly reduced under the unified system, won't it?

*Not only will the manpower costs be decreased but the revenue will increase due to a better accounting system and better control. In Cook county for example the total amount of income from the various courts of the county and city treasuries was a little over \$500,000 a year before the unified system was initiated. The income for the first year under the new court system brought \$5,000,000 to the cities.

*Where did the additional income materialize?

*Under the old system, there was a great deal of remission of fines for political favors. The judges would fine people for the record then remit the fines.

*Do you have any statistics to support this claim?

*No. However, under the new court system the state picks up the tab for the expense of the court system and the revenue all goes in to the city coffers. This is a viable method of state aid to the cities. Illinois chose to allow its cities all the fines instead of supplementing city

and county financing; while at the same time requiring the state to pick up the salaries of the judges.

*As I see the system, all you are doing is collapsing the Justice of the Peace or county courts and creating them into circuit courts. You are still going to maintain the federal system as a separate sovereign by itself. In addition, you are going to have 50 state courts as individual sovereigns.

*This is true. If a matter is important enough to get into court, it's important enough to be presided over by well-trained judges. The public's attitude toward the whole court system will be enhanced by the unified system since kangaroo courts will be abolished.

*With the 50 states you are going to allow a wide variation of local differences for each court system though?

*Better 50 differences than 110 differences for one state alone. The whole idea of the unified system is to minimize differences.

*When you get to the administration of the trial aren't you faced with the individual judge again?

*Yes; however, here personnel selection should be emphasized. It's one thing to have a court system structured in an efficient way but it's another thing to have personnel run it properly.

*This unified system does no more than to change the arena of violations of local ordinances. How is this reorganization going to change the problems of arrest and trial? How are you going to eliminate the number of trials?

*You are hoping to achieve even a greater national unification of the entire procedures of law enforcement. We've got to recognize the very basic and fundamental fact that as long as we have a federal system of government in this country, we're going to have to maintain 50 individual state judicial systems. We are looking at the court system as a machine model. We don't want to emphasize efficiency because justice does not come from efficiency; however, we want to deal with cases rather than with people and reduce case loads.

*In actuality, you can't reduce the number of cases that a court must hear since it must hear whatever is brought to it.

*It doesn't reduce the court load but does increase the efficiency of the judges by making them more impartial. Local justices of the peace tend to be prejudiced since they know the people that are involved.

*Decision-making should be kept with the jury of one's peers. Judges should not decide cases at all. The Justice of the Peace system was borne out of the necessity that it was very expensive to call a jury. Ultimately the concept of our justice is to return the decision-making to our peers.

*Let me point out that the J.P. Courts date back to William the Conqueror. Their purpose was to settle local disputes which had no affect on the crown. The Norman conquerors tried to avoid English hostility by installing local judges to adjudicate these petty matters. The J.P. was established for the very fact that he was not an outsider. There is no longer any need for the J.P. for the outsiders are the ones

who are caught driving their autos through the localities; the J.P. favors the local to the outsider in any litigation generally. There needs to be a check on these built-in prejudices and traffic offenses to avoid burdening the court system and at the same time avoiding these prejudicial courts.

*What are these innovations?

*First, we should create small claims divisions that exclude lawyers and appeals. The individual plaintiff could go there and fill out a form in the clerk's office and sign it. A simplified procedure for serving papers could be used as well. The traffic bureau situation where routine things are handled could easily be disposed of by a mail-in service. The individual defendant can drop his envelope in the mail consisting of bond money or fine fees which ever he chooses. Both of these solutions use a machine model in handing out justice.

*This machine model is too impersonal.

*Ours is a government of laws and not of men. This machine model illustrates the proposition that a violation of the law is punishable per se and no human interference will alleviate the punishment. Do we want special privileges for some but not for all?

*New Jersey has centralized all its appeals by the use of the State attorney general's office. This permits the deputy attorney general to deal uniformly with all appeals rather than place the onus on the county prosecutors. In examining the court system what has been done in determining the impact of the machine model on other segments of the criminal law system?

*LEAA, the National Council on Crime and Delinquency, the National College of the State Judiciary in Reno, the Institute for Court Management in Denver, the Institute of Judicial Administration at N.Y.U., and the American Judicature Society got together and studied the criminal justice system of Philadelphia, including the courts, police, and corrections.

*I've heard people in the judiciary system say that lack of correctional facilities influences the court's dispositions of the cases. If there were more spaces in jail there would be more persons sent there.

*In Missouri our correctional facilities are oversized as opposed to being overcrowded. We are starting to emphasize treatment rather than punishment. Release on Recognizance and improved parole and probations programs are being emphasized, as well as community-based treatment facilities. These programs reduce the need for space in jails.

*We need a unified theory of justice, whether it be treatment or punishment. Our present system is neutralized between the two concepts. In essence, a unified system of criminal justice is now required. To what extent does the unified court system address itself to that problem. Is the manpower problem in the system of justice susceptible to a separate solution?

*We have concentrated on the court system because of necessity in that area. We have found that the speedy administration of justice

the key. Presently we have begun working in the corrections area because of the public's interest there. The machine model supplies the answer to the whole criminal justice system.

*I must disagree. Treatment is much more effective than punishment and it stresses personal involvement. The first degree murderer is the best risk for rehabilitation. The machine model digresses from any human involvement, therefore it represents a step backward for the criminal justice system.

*The unified court system by alleviating the courts administrative burden will allow the judge more time to decide cases properly.

*Courts have only a procedural role in the criminal justice system. They are not the cause of social problems.

*Judges need to be aware of events outside of the courtroom such as what is happening in the penitentiary though.

*Judges must dole out the appearance of justice as well as justice which is the reason that the uniform system of courts should be emphasized.

*Justice is being thwarted not improved by this machine model. Convictions will increase if the system is streamlined in order to give faster trials. There are even some experimental studies being carried on now that videotape witnesses' testimony outside the courtroom that may violate the constitutional right to confront witnesses. Are we improving our means of getting to the truth by such efficiency? What we really need in criminal cases is an unbiased investigation to eliminate the game theory of trials. The defense attorney should be allowed discovery of the State's case. If I were to pick my clientele as a defense lawyer, I would want them 100% guilty so that I'm the best informed person in the court room. I could hamstring any police officer or prosecutor who gets on the stand. On the other hand, if I have an innocent man as the defendant, I'm at a disadvantage for everything that comes out in court is at my expense since I have no knowledge of the State's case. The defense must engage in dilatory practices to get information that is available to the State.

2) **What is the academic educator's role?**

*I'm not sure what the educator's role is but I'm sure it is tied in with the overall system of criminal justice. Our educators, especially in the behavioral science areas, are involved in trying to destroy our system by branding it as obsolete. I wouldn't change our system for any system that I know to be in operation now.

*Educators have a role, if no more than to keep people on their toes.

*Our legal education could be streamlined and more departmentalized.

*What type of academic background should a person in criminal justice have to begin work in the essential agencies like police, corrections, and courts? Before we decide what the educator's role is, what kind of people do you want coming out of those educational institutions?

- *Does it take any degree to have skill to work with people?
- *In New Jersey a master plan for criminal justice education was devised by an advisory committee which represented all the schools of the state. Criminal justice courses were limited to areas where the programs were needed. Different schools were assigned courses and areas they should teach. This unified approach was quite successful in avoiding duplication and wasting of resources.
- *Kansas courses in the criminal justice area are slanted toward treatment; yet, there is no manpower shortage in those skilled in the punishment concept of corrections. There is a serious lack of treatment-oriented people, though.
- *I think that mere association with the educational world has had a good effect on many criminal justice people. Their attitudes and approaches become more flexible.
- *The academic world is a big debating society where nothing is known for sure. They get great "machine models" on paper but in applying these concepts to the real world, the ideals fail. Business schools can't produce good administrators in the treatment area because the students are taught human needs. The treatment area requires manpower that is unavailable.
- *There is a need in the academic area to find reasonable alternatives to the practice of institutionalizing criminals. We need to change the attitude of the public which can best be done by education.
- *Training academies don't belong on the college campus since their purpose is to train a man for a specific task. The education can come before or after but the education can be of broader scope.
- *On the other side of the coin, the university should not train. Its role should be to expose students to different ideas. Education is needed to supplement training. Training does not teach one how to deal with people or to think on one's own.
- *Another benefit of education is that it allows for interaction of many different types of people. Human experience tones down stereotyping so that police learn that all long hairs aren't bad.
- *Police departments are satisfied to have their people educated by other police types in a classroom with other police officers. However, this is a poor method that does not develop social awareness. My idea of education for the policeman encompasses social awareness so that he can keep many people out of the court system that don't belong there. He performs the function of police, courts and corrections all in a five minute interception of a person. Educators need guidelines of the jobs that their students will perform prior to educating the students.
- *The family crisis intervention model is a good example of role examination by educators. In New York, there was not a single officer injured in thirteen months as a result of family squabbles due to an educational model. Prior to the model 7500 assaults on police officers occurred.
- *The chances of finding better people for criminal justice jobs are

- enhanced by taking those with college degrees. However, a degree does not mean that the individual will be a good administrator.
 - *One year of college should be used as an internship whereby "on-the-job" experience is given to the individual. The academic world has isolated themselves from reality too long.
 - *There is a need for educators to study the present criminal law systems in order to find their weaknesses. This would enable them to define roles for future students as well as bring beneficial change to the system.
 - *People outside the system should help to correct the deficiencies in the present system. People inside the system can't see the forest for the trees.
- 3) **Should justice system planning and project administration be a creature of the state, local, regional councils or several? Is crime-specific or problem specific planning the most effective means of attack on crime problems?**
- *In Missouri the crime specific approach is used because of the limitations on the budget. This type of approach is needed to improve the criminal justice system. The drop in crime rates are important to the public.
 - *The crime specific approach is just a game of statistics, which are easily manipulated to show a reduction of crime.
 - *There are three ways to stop crime. One, by mechanical prevention (e.g., burglar alarms) the opportunity to commit a crime can be reduced. Two, improve the apprehension and punishment of all criminals. Three, improve our methods of corrections, to avoid recidivism.
 - *Who is best able to do the planning? I am personally against the federal government centralizing the criminal justice system.
- 4) **Is manpower or operations problems the biggest single justice system need and that of its subsystems?**
- *The role of the academic educator is important but manpower may be the single most important need of the criminal justice system.
 - *Quality is more important than quantity in terms of manpower. Training should be the long range objective as opposed to using more people. The problem is that training does not result in immediate benefits. It's important to select the proper type of people in such areas as corrections. Personnel should be treatment-oriented whereas in the past they were mere guards from the community.
 - *A serious problem in the area of reformation should be considered here. Reform may be overboard when a new technique is found. We won't know for years to come whether community-based corrections is practical, yet it is sweeping the field now.
 - *Manpower problems are created by our state statutes being insufficient in terms of standards. Our elected officials are without

training, unqualified and uncooperative in most rural communities. We need to professionalize the criminal justice system.

*Recruitment is critical in this manpower question. The community's needs become the primary concern in deciding if you want black police or young police, etc., to be recruited.

*The difficulty is that our system cannot make up its mind which way to go; should punishment or treatment be the goal of our criminal justice programs? The whole criminal justice system must be geared to one concept or the other. Minimum standards and education must be stressed. I do not see professionalism as the answer unless we get licensing to protect the person who has committed himself to the criminal justice system. The best way to improve police standards is to license them after training. In addition some sort of tenure program should assure job security in regard to the license. Protection can't be afforded through civil service for it orients the individual toward the personnel director rather than toward the profession. The licensing authority would be the state.

*Once they have their license it becomes virtually impossible to rid the profession of the incompetents.

*Merely limiting the term of the license would alleviate that problem. For example, the license would come up for renewal every three years.

*Licensing would mean standardization of salary for the group. Individual effort and reward is required for the advancement of the criminal justice system.

*The alternative to standardization is worse. A subjective analysis of the person's job regardless of standards required by LEAA will make salary a function of traffic tickets for police.

*All licensing means is that you have met minimum requirements to be a member of a professional organization. A license does not entitle you to a job but only the opportunity to get one.

*I agree in principle but practically, licensing has failed. We have licensed too many who are good at taking exams but are not qualified professionals in practice.

*Licensing has merit if controlled to the extent that the selection authority has no stake in the continuation of the profession.

*I have seen sadistic policemen lose their jobs for good cause and immediately be hired by another police unit. Other agencies within the criminal law system are not aware of the officer's reputation. Licensing will prevent this since retention of one's license would indicate fitness for the job.

*Often job requirements such as degrees are merely means of screening applicants without considering whether one can do the job.

*A license would be *prima facie* evidence of meeting minimum requirements while at the same time aiding communication to other agencies of the criminal justice system. The advantage that licensing has over "minimum requirements" is that the licensee's past experience is recorded.

*Many of the states are now moving toward minimum standards for juvenile officers, police, and correctional officers. Admittedly, though lesser positions of the criminal justice system don't require anything. In New Jersey the police get less training than do hairdressers.

5) **Should the LEAA program be continued with increased attention to major cities and state justice reforms? How does revenue sharing fit in this picture?**

*Cities already have the best police forces. The police in the rural areas have sought to improve by concentrating on communications. It is their goal to have every community that has a police officer possess a communication apparatus that will serve as a link to the outside communities.

*Rural areas need to cooperate with each other. Regionalization should be forced on the police as far as possible. I think it's absolutely ludicrous to perpetuate three-men police departments. In the communications field particularly, regionalization should already have taken place in these rural areas. The reason that cities have better police departments is that they have enough manpower to specialize. In the small rural police departments the police take the roles of juvenile officers, detectives, traffic controllers, dispatcher, and community relations men.

*The problem is that rural areas can't afford an expensive police force. My experience is that consolidation won't come about unless a state agency forces it upon them. In the rural areas, cooperation is one thing but consolidation is another.

*We are wasting funds by simply doing things the wrong way. The rural areas need to reallocate their resources to meet their needs. LEAA is supposed to provide money for improving the system. Dean Irving's speech last night showed how much money we wasted last year in holding defendants for trial.

*Communities aren't interested in the quality of their police. The majority of the people are satisfied in knowing they have a police officer regardless of his capabilities.

*The trend is for crime to move to the outskirts of the city as city police improve. Rural police have functioned as watchmen previously therefore they will be unable to cope with the increased crime rate which the city has forced upon them. I don't think all our money should go into the larger cities. I see our smaller areas as ideal test tubes for trying new methods in dealing with crime. It should be emphasized that failure in a smaller area is less costly than in the big cities.

*I'd like to criticize our past programs as helping the "do-nothing" areas as opposed to rewarding those areas that are work-oriented. In other words, we have rewarded the "have-nots" much more than the "haves".

*I'd like to offer another criticism of LEAA programs. Eligibility

depends on crime index which is too easily manipulated by police. You can't often quantify the need for assistance. Crime indexes are not determinative.

*We need scientific experimentation that is innovative in LEAA programs. LEAA is a welfare system for the justice systems in the U.S. Money is going to things that will not change the system but rather perpetuate the existing system. We need evaluation of programs by those that are objective — who are not getting money for money's sake.

*Part of this need is being met by the new LEAA institute in Washington which will inform one about all the projects being implemented and where they have been done in the past. However, this computerized operation is a long way off.

*LEAA has set no guidelines on spending at the university setting; yet there are substantial criticisms after the fact. Criminalistic equipment is necessary for the campus but the university ties the money into salaries, producing a 57% overhead on all LEAA programs. A possible solution might be to eliminate the university setting for LEAA programs and use a corporate setting to cut down on the overhead. Matching is exploitative. LEAA should just buy the program.

*Another criticism I have of LEAA programs is that they demand success. If the program fails, it should be acknowledged nonetheless.

6) **What are the alternate sources of non-federal taxes and funding for the system of justice and its sub-systems?**

*Everybody assumes that because the federal or state government exists that it has money. They have the ability to tax but are expressly excluded from making money.

*Why not expand the sales tax as we have done in Jackson County to finance the Juvenile Court? This would provide needed revenue for other areas of the justice system.

*The sales tax is an unfair burden on the lower economic class. Taxes and votes don't mix so no politician would vote for such a measure. However, income and corporate tax burden the higher economic classes. The problem is simply that any tax will alienate some group.

*In New Jersey, we have come up with two alternatives to taxation that are great revenue producers. A new state lottery system supplies the revenue to the criminal justice system as health and welfare. Our second measure is a bill before the legislature that will put a surcharge on moving violations. This fund will improve the training of police officers.

*This second measure is a sin tax which is in reality a use type tax. The legislature will receive the least complaints from their constituents by such a tax but it won't be a deterrent to traffic violations.

*In the past we have financed our correctional facilities by prison industries but too often they come in conflict with private enterprise. The people who benefit from such programs are the people running

the prisons not the state.

*All taxing systems have to take away in order to give. In order to finance a system of government the people it serves must pay for it.

WORKSHOP-NO. 6

1) **Is research available identifying effective programs on individuals?**

*Well, if these topics are just for stimulative thinking, which I understand they are, sound to me like everybody has a strong interest in evaluation and maybe we should focus on evaluation for awhile, but I personally would want to know first of all what it is. I think we should have common understanding of what we all think we mean when we're talking about evaluation or we're not going to be able to communicate very well and I'd like to know. You just can't evaluate all action grants in terms of hard data. Take for instance a juvenile citizenship training group, it's a viable alternative to institutionalization for juvenile offenders and it's a coalition between the probation department and a private agency, and what they do is they provide counseling, all sorts of services to juvenile offenders and — instead of putting them in jail — the training group project is trying to find a more valuable and more economical way of handling them. They're sentenced by the judge to this project and the girl who writes up the evaluation forms in citizenship training group said, "How can you evaluate a frown turned into a smile? You can't put it down on paper."

The question I'm asking is, is it working? Well, we don't have any data, but how can you evaluate a frown turned into a smile? There was one boy in the group that, whenever he had the opportunity, he'd think about stealing the car. Now, because he's in this group, he says he may think about stealing the car but he'd walk a little bit further.

*It appears to me that in a situation like that you're going to have to have two sets of evaluation officers. You're going to have to have the short-term evaluation and the long term.

*Another evaluation instrument may be behavior. But how do you measure a behavior that doesn't exist? And that's what you're really talking about. The fact that he walked past the car and didn't steal it. Is there anyone who can give me a way to measure temptation unless you ask this person, "Were you tempted?" And in a year, is this valid data?

*What did you say this judicial training program was designed to do? If for instance it was designed to be sure that all the judges got sixty (60) hours of training because they haven't had any in two or three years — and on completion of the program they felt the program was worth attending in terms of what they got out of it, you have a second benefit or evaluation component. Once the training is over, you've accomplished the goal.

On the other hand, if you take a program area, such as juvenile

prevention — I mean juvenile delinquency — and say you're going to talk about halfway houses and the objectives are to reduce the population of juvenile institutions, to separate juveniles from their community and, at the same time, provide counseling and guidance service and to establish family relations so that within eight (8) months from the time they leave they're back out in the community and you don't have any trouble within the next six (6) months, then you've got something hard that you can put your finger on and say, in terms of evaluation, we have accomplished these goals.

That's an evaluation the way I interpret it.

Then you can ask, "What effect has this had on the other part of the system? Have we reduced the caseload for the probation officer for the juvenile court? Have we reduced the number of cases of recidivism of juveniles based on past data?"

*I think you've brought up an important element of evaluation — post-project evaluation, what most of us I think we have been involved in — if we've been involved at all.

What type of data are they going to collect in order to measure what they're doing?

I don't know whether month to month; in some areas they want to keep data on project accomplishments. I don't think the law enforcement community really pays that much attention to evaluation.

*They're very positive. They look at their success stories. That's the reason for the evaluation.

*Well, to a certain extent, success stories; but in evaluation the most important aspect is to provide additional guidance — you know, Where do we go from here? If their goal is to have a 20% recidivist rate out of kids in a halfway house and come up with 45%, where did it go wrong and what can be done differently to lower the rate.

*Are we really measuring what we want to measure? Now, that's the whole basis I think — at least that's been my problem. I don't think we've been able to set up a particular scale of evaluation that justly measures what we want to measure.

*I think it's logically and philosophically impossible to measure the effect of these projects on human behavior. Everything I ever learned was that there are too many variables around out there and, if you've had any training at all, you know how difficult it is to isolate that one variable and set up effective relations.

You can talk about direct and indirect, internal and external, or whatever, and what do you do. You end up counting how many times they went to class, how many people they talked to, and that's all you can get. You'll never be able to show a correlation between talking to that guy and at the same time a change in his behavior.

*I think it can be a cop-out for not doing better than we are now doing and making informed judgments about the likelihood that we've influenced some action. I pick up a project, just pulled it out of a hat, to look at it and see the way the objectives were stated and the first objective I saw was to establish a counseling program for young people.

O.K., that's your basis for evaluation and, as we heard in a similar example earlier, you go out and look at that program a year from now and if they've established a counseling program then, theoretically, they've met that objective. Nonsense. The objective is meaningless. The question is, Why are you setting up the counseling program? What are you supposing, whether it's hypothetical or not, you're going to be able to accomplish through that counseling program? That's a means to an end, not an end in itself. And I'm concerned that people like you use the point of view you just expressed. I think we all do. Rationalize out of trying to use objectives knowing that you're never going to get to an absolute measure.

We're trying to affect the kids attitudes because if their attitudes are different we accept the hypothesis that they will behave differently. So at least you express your objectives in terms of changes in attitudes — which can be measured.

*Recidivism rate is one criteria that we might use and probably is the only way. Now, when is a person rehabilitated? That's the question. When is the person changed so he no longer gets into the criminal justice system? I think if we can focus on some objectives here that we could set up on a short-term basis. The whole thing is, how many times did he commit the crime?

*The only way that this can be accomplished is to set up a pure research project which involves controlled and variated groups. Frankly, it's been my experience, from a management standpoint, that I doubt we could manage it.

*I think you're right and maybe there's a middle ground here that we can reach to accomplish making at least some absolutely scientific assumptions about a project. I think maybe we should expect an hypothesis and you go down to your whole field of scientific research criteria.

*I think what we're trying to do is to start with what we think of as fundamentals. Ninety-nine percent (99%) of the objectives that I look at are expressed in project activities. What the people who are carrying out the project are going to do. I think you need to know that, but that really is not, to my mind, the objectives expressed.

Objectives should express the results that you're trying to achieve through what people do. We've got to change our point of view and exert what I think of as the mental discipline to think beyond the activity that we're going to undertake to the result that we're going to commit ourselves to trying to achieve through those activities and state objectives whenever we can.

*We can evaluate it because it has an effect on the system.

You can evaluate it in terms of amount of crime in the hard-core areas that has gone down.

*A drug program may work. I'm not saying that he or she is not still involved in a criminal activity. They may be off heroin, but the girl may still be a prostitute because that's the best way she can make money.

- *But, the objective of the program was to get her off heroin.
- *Yes, but we're running around in circles. We're trying to evaluate in terms of criminal activity.
- *Get them off drugs and reduce criminal activity.

2) **What are the levels and types of evaluation which can effectively be conducted on projects, programs and systems of justice?**

- *The feeling that I get from reading some of the literature is that in the various nonprofit organizations as well as in the academic world a lot of different positions seem to exist. They talk about evaluation, evaluation research, or research within an evaluation component. I'm probably getting more confused than straightened out as to what's involved. I don't think the Federal Government has come out with the issue sufficiently to provide any guidance to the states.
- *What I plan to do is to set down with most of the major subgrantees and say, Let's define our objectives, Let's see what comes out of the objectives, Let's look at it in terms of this. Let's clean up some of the words. They are too broad. Get this kind of value for what I think we're heading for and create more confidence. I think this can solve a lot of the problems because then we can depend more heavily on the information that is coming into us from the subgrantee.
- *How much is it going to cost to carry out these pre award conferences? As I contemplate the work load that we would have in California, if we sat down with each subgrantee at a pre-award conference, it kind of staggers me, in terms of our staff capacity. How are we going to cope with that?
- *What I think we're going to have to do is come up with certain guidelines for certain program areas.
- *I can give some information about Ohio, not that it is better or worse than any other state, so you'll know what is going on there. The decision was made by the advisory commission that evaluation of projects should be a high priority item of 1973. We recommended that the State set aside \$800,000 specifically for review of projects by category so that we could take a look at certain types of projects that were being funded in large quantities. For example, I think they funded some forty (40) police community relations projects in the State. That's enough now to find out what's going on. Some of these have been funded for three (3) years, some for two (2) years, and some are just now getting on the bandwagon. They added twenty-four (24) new ones in the 1972 plan. So you can see what's happening. Everyone says we ought to have one and we suggested before you go any further let's take a look at what kind of concept has emerged in the field. So — we helped pick out five (5) title areas of programming. We wanted action grants of the last three years, including 1972, and possibly on-going grants into 1973, to be looked at under enough different settings that you could have some definable variables.

Second thing was, and I think this was probably national, every grant application in 1973 — and as many as they could tack onto in 1972 — had to have their own local program added to evaluation. Of course, this wording was program goals specific. They said they were going to do this. Did they do what they said they did? So, those two things they've done now. The \$800,000 includes picking up the local match so that if that community happens to be picked by the evaluation project people to be included, they don't have to absorb that cost. The State is going that far to take its own money to evaluate large program ideas. They are also trying something else and I had a look at the draft. I don't know about potential success, but they are going to try to devise a base line data system so that they can monitor statewide the program effect. In other words, they are asking the police to report the spot, times and things like this just across the State. The question there is turning out to be a volume and it is going to take somebody in data processing all year long to make anything out of it. I really don't know what it is going to do. Everybody knows that you can't really go in and do an evaluation job unless you know what was there before.

They are trying to isolate, at least some things that you could use as base line information, so at least at State level they can get an overall picture. I don't know how effective that is going to be. That is where they stand right now.

- *Then you are saying they took the \$800,000 and then they said, "Okay, we're going to select a range of projects of similar nature"?
- *The significant thing is that there was a selection or identification and a definite charge to go out and collect data. An invitation was sent out to private consulting agencies, to universities, to anybody who thought they were qualified to get into the evaluation task to come up. They left it up to local grantee how he wanted his own program evaluated, you know, as a part of this grant application. Up to five percent (5%) of this grant was given as the guide line for built-in evaluation. Kind of before, pretest, post-test kind of thing of effectiveness. But here they are looking at statewide programmatic objectives. If a certain type of police community relation approach seems to be the most reliable one, then they really want to push that hard with a large amount of money. They want to know what they are doing first.
- *Do you have a state policy or something that says that for every project there should be a certain amount set aside for evaluation?
- *I don't think they did it on a substantial number in 1972, but I would say perhaps one-third (1/3) of the 1972 grants are going to have built-in evaluation. We are going to try to get it on all of the 1973 grants.
- *There is a section in there that says, the applicant says that the evaluation will be carried out locally by the project staff, MLEAC staff, and something else. That doesn't mean a damn thing.
- *The state planning agency begged off of evaluation. We don't have manpower, and we don't have resources. We're just trying to get to

where they can process grants in the reasonable time. They are putting the pressure on the local guy to search around in their community for somebody who can come in and give them advice on how to do it for themselves or come in and do it for them on a subgrant contract basis. Most all of the urban areas, where the larger share of the money goes, has colleges and universities and resource people around that they can tap to come in and give advice — if not to do the work! Someone that can help them set up a halfway respectable evaluation design.

*Is there a set approach that has been dictated? Like, what does evaluation consist of?

*No. In fact, I would say all the things that were mentioned are somewhere in effect. Some projects are allowed to evaluate on the basis of their very specific programmatic objectives. Whatever they said they were going to do.

*I would think in equipment areas you can't use that on a statewide basis as the method of evaluation may be something entirely different.

*We haven't tried to put any evaluation on this. They just get the grant and that's it. I don't think they are asking for any evaluation on this. It's a pragmatic need and given on that basis. Now I remember what the other thing was.

With a great deal of problems, we abolished the COG system and went to setting up six (6) regional planning units that constituted the six (6) metropolitan areas that qualified under the LEAA guidelines. They just took block planning money and gave it to each to use. They set up on the same pattern as the state planning agency or local planning agency. It has its own supervisory commission. Now that staff must have an evaluator. I don't know how competent these will be or what the hell you can do — what's he got to work with or what. But, at least, the State went that far. The balance of the State was divided into nineteen (19) regions. The State is handling the planning process for the rest of the State and they don't have an evaluator.

*What did you have before? Did you have the State divided up into regions or something?

*No. They had something like twenty (20) or thirty (30) districts made up of two (2) or three (3) counties.

*Now you have six (6) main ones and everything goes through the State office.

*Based on Federal guidelines for the distribution of money on population, incidence of crime and all that, we used that same formula to take the State's planning money, then distributed that money the same way it came to the State. That portion that would have fallen to the balance of the jurisdiction for the State.

*This evaluator that you are speaking of, is he responsible to the SPA or is he responsible to that local plan?

*That local plan. As soon as you have local technical assistance to the grantees who are making application for funds in his regional plan-

ning area, he is to sit down with them and show them how to go about evaluating the project.

3) **I really have been caught up in making judgments about programs which have some investment. So... I am curious to know if objectivity can be built into the evaluation component.**

*I think all they are really trying to do is increase the quality of self evaluation. I think that is all. Sharpen it up a little.

*At least we have a guy helping them write an objective.

*As was said earlier, clean up the language so you know what you're saying when you say you're going to perform a task so that you really can get it done. Provide some measurable terms. This takes the monkey off the states back at the states planning agency level by shifting it on down. It's still the same amount of money to get the work done but at least the person doing the task is a little closer to the program — closer to where the action is and is able to communicate more effectively with people who are doing the self-evaluation. But, they are relying basically on self-evaluation even though we are asking some of the larger grants to get outsiders to come in and conduct the evaluation component. But often these are people from their own communities — or it may be a consultant who has set up headquarters in Cleveland to nurture Cleveland's Funding process. Frankly, we've had self-evaluation, as I think the most of the rest of you have had from the beginning. Every grant has to have an evaluation component built into the project. We now have some tougher policies to that effect, for example, if we don't get any evaluation report within 90 days of the end of grant year we may terminate funding. But self-evaluation really doesn't represent much of an answer. In conclusion, there are a couple justifications for self evaluation (1) Clearly a part of the project managers responsibilities is to make judgments about how effectively he used the resources that have been made available to him. (2) If he has to do it and gets some experience from it, it may improve the quality of project management. For anything definitive in terms of the broader segments of the program of the total system, we are convinced that it has to be from outside of the project scope. And that self-evaluation is almost meaningless. We are doing some similar things to what Ohio is doing. We also set aside \$800,000 this year — \$600,000, which is local money, \$200,000 which is state. We are doing three things with the money (1) We are hiring an outside expert, on a halftime basis to evaluate the evaluation components of all our projects, to identify those which are best, and to use those as a basis for meeting our first years obligation for evaluation to LEAA, recognizing you don't simply decide to evaluate today and have a product tomorrow. (2) We are developing criteria and standards for, what I, would call, project design. What are the elements that have to be in a good project design, what are basis for evaluation? Then a second piece of the

money will go to a consulting firm to develop a comprehensive long range strategy on evaluation and overall program. Who should do what to have an effective evaluation program. (3) We will be hiring a person to work with a consulting firm and integrate their efforts as they begin to produce products into our on-going operation. But we are still struggling with defining terms, even within our own staff. We have informative stages, a notion that evaluation should cover, perhaps, four major things. Somewhat in this order of importance: 1. The extent to which contractual obligations were fulfilled, whatever they might be. 2. The extent to which objectives have been achieved. 3. In non-technical terms, the cost versus benefits. What resources were consumed and what benefits flowed from the efforts (efficiency element) 4. Finally, the extent to which the method shows them to have accomplished the objectives.

This was the most efficient and effective of the possible alternatives that might have been chosen. In other words, you are trying to reduce the incidence of drug abuse in a particular segment of the community and you chose to do it through pure counseling. If you had taken a different approach, might you reasonably have expected to accomplish more at the same expenditure of resources. We think we are quite a ways away from being able to deal with that kind of evaluation. But, that's part of our overall concept of where we would like to get to.

*Contractual fulfillment involves whatever you put in the contract. The more you write into a contract, the more you are going to encompass in all the other aspects of evaluation that I made reference to. But right now our contracts tend to relate to the activities people are going to carry out and to administrative constraints within which they have to operate.

*Well, I can't accept the idea that that's pure research. To me it's what management is all about and the fact that we have not been able to do a better job in instances where we can't improve and I think there are a lot of them, the failure in management and I don't think it's research because I've got some biases about research as being more of the nature of what some people call pure research, knowledge for knowledge sake. This is a practical and essential part of management. We can't begin to demonstrate some results in those areas that at least can be pinned down, we're not going to get the charter to go on trying and to me that's a very real issue. It's fine to say that there's a lot of things that we ought to be doing and they're all important in order to have system balance, but if we don't begin to focus more on the areas where we can demonstrate some payoff for the time being by public confidence, through that process, then the programs are going to go down the tube.

Let me try again to illustrate the point that we've been making to our staff; we drew a simple line on the board and said, at one end of this continuum is something we call an activity. It's counseling kinds, or it's interviewing people or whatever, and the other end of this con-

tinuum is the results that you hope to achieve by doing that activity and the task that we've got to work at among others, learning how to express objectives that move away from the activity end of that line and toward the result end and that was an effort to try to express to our staff a realistic point of view, that you're not going to get all the way over on the other end of the continuum in a lot of cases, but the effort had to be to move in that direction. I think it's important because if we're not able to identify that we're trying to achieve, in terms of changes in people and changes in the community, the only way we can express what we're about is by expressing what our project staff people are going to do, then all we're doing is keeping people busy and that's not what we're here for, so I don't know whether that's convincing you or not, but that's the general point that I was trying to make relative to objectives and why we consider them to be fundamental, the starting place, for evaluation. Then, from that you have to identify the information that you need in order to determine the extent to which your objectives were achieved, that has to be built into the project design, getting at the information, criteria for success, how you're going to manipulate and use that data for making judgments and all those things have to be built into the project when it's originally designed if you're going to approach the ideal in terms of an evaluation process.

*It seems to me if we're going to get anywhere in terms of the evaluation, we have to identify the next link or two that's closely related to the project and evaluate on that basis. Then we can gradually develop a capacity to relate projects cumulatively into a program and on up. One of the issues that I'm concerned about is, well, LEAA defines a program as a separate project. The implication being that they're building from the ground up and I don't think that's really the way to go. It's a lot harder to go the other way, but what we're trying to do is to reach some agreed upon, not the ultimate, description of the criminal justice system and then break that down into component parts and say those are our programs and then break the programs down and say, these are the projects. Then we can have a mission that will cover the total system, we'll have what we're calling goals for each major component of the system, and then an objective at the program and project level, and build from the top down so that we can relate every project to some degree to the whole.

*We decided that we had to define success to our own staff. Initially, we said accomplishing our project objectives was the first and primary issue, but then we have four or five others. For instance, we said that if it involved, I forgot the jargon we used, but basically "intersystem affects", if it involved both leads and directions, for instance, or police and courts this was a success. This project somehow stimulated a degree of cooperation across some of the lines that have been drawn predictably, that it was reasonable to consider that as a successful feature of this project, and then we had others like that. So that we had a range of criteria.

*At a point you find that you are upgrading the justice system just in one area. The records of that area indicate there are less arrests and maybe there's less crime in this particular town as a result of the increase assistance for Law Enforcement. So two or three things have happened. One is that with better equipment, better communications, more personnel they have run the boys out of town who have done the damage. Now, they go to a little town where they have no police department at all, or a little community and they will raise all kinds of hell. Well, what is the advantage of running out of town? They go out to the lake; they go out to the outside community, over the ball park, and they carry on out in the county where they're going to have fine protection and they've pretty well taken care of the nice spots of the county, and they go to a nice safe area, and a lot of things go on. Now on the books it looks like we're doing all right in the city of VanBuren. We're running them out then, but on the other side of that is this, now we know this, it doesn't show up on the report. That's a minus to me. The plus side of that is you are educating some young men who in time will take their place in law enforcement in the city of VanBuren and the county of Carter, and you will have a better law enforcement system. It will be upgraded. Another plus to that is by the knowledge that you have communications equipment. You have some aids and help and assistance, automobiles, and so forth for these people. You're going to get a higher type applicant or law enforcement personnel than you had three or four years ago when they had nothing to work with. So I know things are hard as the devil to evaluate.

*As we begin to emphasize objectives more that we may find that there are benefits that float in the fog that weren't anticipated and built into the stated objectives, and that we shouldn't lose sight of that fact. We've got to allow for it somehow. Personally, I would say in the way that we describe our projects, particularly in our reporting systems that we allow not only for an accounting as to whether the objectives were achieved, to what extent, to what cost and resources, but also that we ask proponents to what cost and resources, but also that we ask proponents to indicate other side benefits, if you want to call them that, that weren't included in the objectives, but derived out of that project and that if we structure it too tightly we may ruin some of that.

*I might say, Youngstown State will have a Master's in criminal justice in Fall 1973 in which we are targeting on planning evaluation process. The whole curriculum is designed to try to somehow or other, develop a pool of expertise in personnel here that can be absorbed at the local and state level primarily. People who have exposure to research design, methodology, and low level statistics.

*One of the components in this project, without describing the total program is that they have to do a thesis which is to either plan, implement or evaluate a project. We're trying to get the cooperation with the state planning agency, for us to use these resources. They get their

thesis paid for and we get cheap help. These people will come to the project level with much more criminal justice expertise than if they come through social work or sociology.

*We did one on evaluation of police community relations. We picked out 6 different projects in the United States. There is a lot of traveling involved. To get the project over we would probably use 6 students maybe.

*We've been funding some fellowships and have been using graduate students for similar types of activities. A lot of these guys can do all right, but now the University administration is coming to me and saying, look, we want a good scientific report out of it. Our costs are too high for that one student, your not giving us any money. My assumption was, that if I gave the money to the kid for doing the work and he is paying tuition to the school, or what have you, working on his Master's, that should be enough. And now they are coming around and saying that you ought to match what we are paying to them.

*This is the problem, the Defense department has spoiled the university. The Universities have been on that kick too long and now it is hurting with the prospect of cut backs and they are looking for other places to replace that money. LEAA is the next kick to get on. I know we put the crunch on them and I spearheaded it even though I'm part of the university community. They wanted to use the same indirect cost formula and so forth, sixty-three percent of the project and all that kind of stuff. We said, "hell no, you can't do it." The state planning agency was backed up with a figure of 3%. Ohio State came right out their chairs and said that they didn't want any part of you. You can document your costs — let us see what you're talking about. Physical space, desks, transcribers, secretaries.

*There's always the element of acceptability. It doesn't do you any good to evaluate if the credibility of those doing the evaluation doesn't stand up under severe scrutiny, and if you're not making that kind of decision then your evaluation is an academic exercise. But we've been very frustrated and puzzled, and have discussed quite a bit of times why the laboratory which this program represents nationwide with respect to the complexities of planning in a major segment of public service, and the intricacies of intergovernmental relations hasn't captured the interest of colleges and universities to come on their own initiative without seeking money from us, and to use this program for a laboratory for making studies that would not only contribute to their stature in the educational community but would contribute to the operations of the program, but it doesn't happen.

*I don't think that you have to go along with the ASA. I think the criminal justice community damn well better begin to develop its own expertise in the areas of research and evaluation through technology transfer and information transfer, but somebody has to start working on this, and this is what really concerns me is that you all sit around here. Everybody is using their own instruments, their

own designs. Come mid 1973, who is going to know what went on in California, what instruments they developed, and so forth. One of the things that really concerns us with the program that we're trying to develop is that we feel a tremendous need for a national library, resource library of some kind.

*There is a lot of effort being made among the states which I think is a very healthy approach as opposed to just depending on LEAA to exchange information. This conference is an example, and there are a lot of them going on. I know in California, while I talk about what we're doing, to me it goes without saying we're going on information and material that has been developed in other states and where we can get from LEAA as an input to what we're doing. We're not doing it by re-inventing the wheel completely if we find a few spokes someplace else.

*We've thought about, for example, if LEAA would give us some money to get instruments collected, put on microfilm for reproduction and get them classified and indexed on a computerized basis. You know, usually there are a number of ways in which you can do this. So that, if New Jersey decides next year that they want to evaluate their police-community relations, they could fire a letter to us and in three days we could have copies of every damn thing that has been done across the country on evaluating police-community relations. Then they can sort through this and pick out what seems to be closest to their kind of objective.

*Yes, if the grant made to the National Governor's Conference does not get down to this kind of exchange; then it will be a failure. It is only one approach, but it does indicate that efforts are being made apart from what LEAA can directly do. We have the fellow from the clearing house coming out and he's visiting some other states. In a couple of weeks he'll fill our staff in on what's available from LEAA, and how you go about getting it. I think the things are happening, but with most of us probably we'd like to see them happening faster, except that we're dealing on very inordinately big scale. It takes some time to get some of these things going.

*I think that we have to face the fact that accountability in government is often to or through mechanisms and settings which are not rational, and evaluation as we're talking about it I think is a rational process. So I see some limitations.

*By developing a planning capability at the regional level rather than trying to do it all at the state level, hopefully will progress to the point where they in turn can help us develop a like capability at the individual agency level, but frankly we have wide differences of opinion on our own staff as to whether that's the right way to go. A lot of people on our staff feel by God those regional guys ought to be working for us because if they don't, given the degree of autonomy they have, they create a lot of conflicts and problems and frustrations for our staff, which we feel we would not have if we had the big axe to hang over their heads.

*I think that there has to be a group that really believes in what we're talking about here, and the development of skills within these individual uses of government that do comprehensive planning. They have to be committed and involved, and I think we do have a good deal of experience in the area. If we're going to be able to accomplish that objective then the decision making power is going to have to rest at that local level, at least to some extent. So I don't think it can be either a state planning function or a regional autonomic type of thing. I think a good blend of both, and I think that's what we're striving for in Missouri; to find the optimum between the two. I know that, for example, we follow a regional concept here, and we've been given a broad statement of autonomy from the state planning agency to develop programs and I honestly believe that we have fulfilled to a large degree that mandate: credibility, course of accountability and some of these things. By the same token, unless we're able to work out these relations we're not going to get the support, the contribution and support of the local community if it is a "state function or state employee." I am working in the Regional Planning Commission office, and I am partially affected because I am their employee.

*If you are going to go into both local and regional areas and plan to develop them how can you leave out evaluation. Evaluation is a prime part of planning? You have to plan for the divided interests; what you do to one, why can't you do to the other? Agreed, we're going to stumble and fatter and fall on our face a few times, but by using the prime vehicle that you already have set up you can recognize what baseline data you have to have before the project starts in order to evaluate in when it's over.

*Somewhere along the line they're going to have to be set up universally. Research and evaluation need to work in with the planning group. Not only do you have to have a plan for whatever it is that you want to accomplish, but in order to do that you have to provide for the research people to know what they're going to be looking for. You must have first an overall plan with the objectives in each program area clearly defined.

*The time could be close upon us perhaps when state planning agencies with reference to the larger agencies that your referring to are considered for funding on the condition that they establish and fund, out of their own monies, some kind of planning and evaluation capability.

*The SPA could undertake the responsibility to establish and suggest these research objectives.

And if the state agency served as a trainer to the regional or local groups of government so that everyone is talking the same language and has the same objectives, then I think the plan has a lot of merit. But, I think what you're going to run into is the question of motive. Now, I'm speaking from a position of having considerable amount of experience here with relatively small units of government.

When you talk about the mechanics of the thing and from a process

standpoint how would you get this thing established and developed. If state and regions could jointly work out the criteria and then the state itself perform an important role in training of the regional or the agency people, this would enable indirect centralizing on a pre-determined set of criteria.

*Who does what at what level? Our regional planning directors recently pushed very hard for a point of view that all project evaluation should be left to the region and the state, on the other hand, should evaluate only programs. Wouldn't that be totally unrealistic. Perhaps the evaluation of projects should be done in addition to monitoring at the regional level. We don't think the state can ever cut out of project evaluations so long as the basic contractual relationship is between the state and the projects. At the state level we probably should be emphasizing statewide identification and description of problems increasingly more accurate and reliable as we develop better data; a ranking or prioritizing of those problems; and the determination of what I would label strategies for dealing with in the solutions area. And then, within that broad framework, the specific things to be done within a region or a regional community would be left to that community, and levels of process of evaluation would be geared to those different levels of involvement.

*How realistic is it to think that we can ever get to the point where a police chief of a ten man police department, that has a project will evaluate that project to be a failure in a public document and thereby, face the reaction of his little community? Is it realistic to think that we'll ever get to the point where that is going to happen? If not, why do you deal with that? It is not realistic for me to think that we can develop the sophistication within each department. Some type of assistance needs to be provided at a level between the state level and the local unit of government.

*There has to be some form of self-evaluation. This form of self-evaluation will involve an interpretation of the state at the local level, and it will also require that the evaluation be in the form of a document so it can be subjected to interpretation at the state level. By utilizing a process of peer sanctions you get five police chiefs to sit down, and they can say, with a lot more objectivity and a lot more concisely, where a program stinks. That's going to have a hell of a lot more weight than if I entered and say that program stinks.

*Change requires not only more evaluation of current performance, but in addition, project representatives will have to come up with innovative programs for evaluation. By evaluating their current performances, we're only evaluating the problematic factors in the program (which are in turn the current performances). These performances are so lousy that anything attempting evaluation design would improve them.

SUMMARY OF WORKSHOP PROCEEDINGS

Workshop No. 1

I will cover the topics that were considered yesterday. The first topic considered was should State Government with or without federal help assume all responsibilities on setting system function. This was probably the only topic one could say that there was a consensus reached by the group. And the consensus was rather limited in scope... We said the standard should be set by some group. We didn't say exactly who the group was to be made up of or who had the responsibility. We went on to list some advantages and disadvantages of that statement and we thought that some of the advantages might be, if a group was vested with this responsibility, that uniformity might be achieved and responsibility would rest with one group.

If this group could be composed of members that are representatives of the systems, this would eliminate some pressure groups, putting pressure on any one individual who might be vested with this standard setting. Some of the disadvantages that might be incurred might be the implementation of the program ... it's fine to set up a group of people, with a formalized set of rules, but putting them to work is another thing. The problem of authority of the group and what sort of authority would the group have over the rest of the criminal justice system. Another disadvantage might be equal representation between the urban and rural areas. The Urban areas might consider that their job is more important than the rural areas and vice-versa ... in seeing what the needs were for the group to set forth.

The next topic was the impact of verbal agencies on the criminal justice system. This wasn't really talked about to any great extent, only a couple of the group members said that there should be some effort by these agencies to educate the public on what the laws were, what the laws might be and how they are implemented in this society.

The next topic — revision of state criminal codes from time to time. Everybody knows that everyone is supposed to be able to read the law and understand it without any expertise and the major consensus about this was that a possible review of criminal codes, say every 10 years, should be undertaken and at that time, modernize old laws and put in any new laws that might clarify conflicting topics. Some of the disadvantages for revising any code as we all know is that it takes a lot of money to do a periodic review and modernization of laws and it is also sometimes slow to take place. The lag time on anything new results, people catching up with what the changes are, and people after they find out what the changes actually are hesitate to use them correctly. Another topic was more fully discussed in detail and I won't go into the detail here because I don't think everybody here really understands the technical aspects of it. Colonel Newman explained the computer technology with police function today and everyone agreed that it was a useful item to be implemented if it could be done and he explained the Missouri system called "MULES" which seems to be quite an extensive

system. It was also brought up that whenever one goes to a system like this there could be misuse of it and the main disadvantage of it is the information used could be incriminating as to certain people in the system if any of the information was used in the wrong manner. Towards the end yesterday as things started to get batted about, we talked about the subsidation of the victim of crime. Everyone agreed naturally that this was something that could possibly be achieved in the future and something should be looked forward to. Also at the end of the session yesterday the topic was brought up about future training for judges or the legal education for the judges in the system and without me getting too specific I'll let Gary Ausherhammer continue from there because that was the topic that was taken up this morning.

There were five basic recommendations this morning in the workshop. The first was that local, state and federal governmental units should help "Share" all responsibility in standard setting for judicial system functions. The second one was that it is in the best interest for the governmental units that all judges be required by a set of standards to be adequately trained in law, i.e. they should all be attorneys. Thirdly, criminal clinical programs in law schools and legal programs should be encouraged so as to better prepare the young attorneys for their role in the judicial systems. Fourthly, there should be training programs for all of those involved in the judicial systems ... that encompasses, judges, lawyers, social workers. And the Fifth recommendation was that the federal government should put most of the criminal justice costs when they impose these costs through judicial fee outs, i.e. the Supreme Court decisions. And that's it.

Workshop No. 2

We discussed in part the intra-system functional issues. All of the participants felt that Item No. 11 - Is a unified court system feasible ... it was a desirable goal for each state. Personnel selection would be a problem. We did not discuss whether the control correction should be primarily a local function or a state function. Again, it was a general consensus that it should be a standard state function but with regional facilities and an emphasis on community based corrections where possible. We spent a great deal of our time talking about Items 8-10 ... the minimum size of a police department, the consolidation of police departments and who should bear the cost for policing. The issue of size was discussed as to what does the community want and what does the community need. If you have a community of a thousand people, or 500 people, or 200 people, perhaps their only need is for a watchman type person ... you know a door shaker or whatever to check locks and look around town in the evening — a night watchman. This got us into the issue of police role. If you are going to have a sworn officer who can make arrests, there should be standards set. Standards were mentioned constantly throughout our discussion, and especially in terms of the role. We had a great deal of difficulty in defining the role ... what it should be rather than what it is.

We felt that if there were going to be enforcing functions performed, that people did deserve 24-hour service and that this would be a reasonable goal to shoot for ... to provide 24-hour, 7-day-a week service to everyone and, if 16 officers was what it took, then that would be fine. We really didn't decide on the exact size of the department. These people who would be primary enforcers should have basic training standards imposed upon them and if people who were only night watchmen and door shakers should not be police officers. These were some of our directions. I don't think we ever came to any solid agreement on this particular issue. As for consolidation feasibility is determined many times by statutory and constitutional restraints. We felt that where these restraints did not apply, consolidation was a good and desirable thing. However, where should the line be drawn — and this was quite an issue. Should it be a metropolitan police department, should it be a county police department, should it be a state police department and of course some of the participants felt that the state was a possible agency to supervise all policing functions to insure uniform standards, minimum salaries and the like. However, some felt that it was a local problem but we could not decide where that fine line should be drawn. Should it be a metropolitan agency, should it be a county-wide agency. What is the community ... it was never really decided. There was a lot of feeling toward more state control but not at all an agreement on that. This was tied in very closely as to where the costs should be borne. There was an agreement that the state or federal government should provide the costs but the control should remain at the community level, whatever that might be. I don't think we ever came to any agreement on what the community actually was. From there we went on to other topics and all of these topics are intra-related and throughout we were talking about standards often without knowing what the roles and goals were that we were addressing ourselves to. I think this is a problem that we have to make apparent ... that we have to set these roles and goals first before we can establish the training criteria and standards that we want to impose. That's basically it from my group.

Workshop No. 3

We started with topic No. 16 concerning the legitimate national interest in the setting of standards in the systems of justice. First there were two schools of thought on this particular topic. The minority of the group seemed to feel that we had enough studies on standards and goals and they were gathering dust ... no one has ever taken enough interest to implement these standards and goals. The other group felt that they were vital to some of the basic changes that have to be made in our justice system. Once the national standards and goals group issued their report, there should be some sort of a mechanism devised to implement these standards and goals. I personally feel that it is going to take some federal type of legislation to bring these national standards and goals into being, if they are ever going to be implemented. The minority of the group also

felt that one set of standards and goals would not be applicable to the smaller cities as compared to the large urban communities. I think that this could possibly be adjusted where there could be two or three standards to fit all of these various types of conditions. The next topic ... we had some difficulty understanding what the person who drafted this statement meant and we changed it slightly to read something like this ... Should a regional council be established within a state to plan for criminal justice and establish a basis for cooperation and consolidation of all local units of government? I was amazed at the amount of regionalization that has taken place. I think the two unique examples of regionalization was in Frankfurt, Ky. where they are working on a plan to provide services for four-county jurisdiction and it may be enlarged to include six counties. They have already implemented plans for the exchange of common services among several police departments of several counties, which I think is an excellent step in the right direction. I also gave the example of our region making significant progress in the area of a regional jail and hopefully in the next year or so this regional jail will come into being. Another point in which I think there was general agreement was that whenever there was a successful project within regionalization or any other type of successful project, as a result of the LEAA program, it could always be attributed to one particular person who took a keen interest in the program and who was a real mover and a real organizer. I know that was true in our area and I am sure it was true in other areas. That is a point that I think we should all remember. We went on then to topic No. 18 ... The Police projects successful in changing operations and services. That relates back to what I covered under Item No. 17 — I think they were related. The next topic had to do with Court administrations and operations in the metropolitan areas. We discussed this only briefly but the consensus was that this was the area that needs the most improvement and it was the one that it is the most difficult and the most sensitive in that judges are rather difficult to deal with and they are hard to talk with. They are not susceptible to change, they feel that the way they have been doing things for a number of years is the right way to do things, but there are improvements being made through different programs. A common problem is speeding up the process of recording and transcribing felony type cases. I didn't quite understand the new system ... they have a system that is better. I think it is going to be sometime in the future before this problem is solved.

The next topic and I was gone while it was discussed but I will read you the notes that the law student wrote and the topic was new approaches in community based corrections and related bonding probation and processes. First is categorization of low risk offenders and special treatment. As I recall someone mentioned that a representative from California made most of these comments and they apparently are very innovated and have brought about many changes in their correction programs. Second was public dissemination of successful programs and avoid publication of failures. Third was conjugal visiting in common bondsman program and assistant education program.

The last topic which was assigned to my work-group maybe should be presented by Pat Galiger who has a great deal of experience in these services ... Pat, do you want to comment on this topic?

I just feel from my experience, which is almost exclusively in evaluation of programs and particularly social programs with an emphasis on youth therapist bureaus, that I think it is one concept that has to be started in a medium size city up to a large city. The personality and character is different with each city. In the basic referral system (contact system), the functional services that are provided are pretty much the same.

I am convinced that we should not act *ex post facto* after a product is in trouble. We are the experts in most of these programs and we should step in at the early stages and say that this is what you should do and this is the general outline for your program. We are sapping our strength ... we do not have unlimited resources such as manpower and technology and background. I think we should weigh in in the beginning and say this is what you should do. We have to offer the suggestions in the earlier stages of the program before the mistakes are made. People should turn to Youth Services Bureau not with the thought that the kids are in trouble but rather that the Bureau is there to help children.

Workshop No. 4

In group No. 4, 6 of the 7 members were involved in regional planning committees. One of our major concerns right from the beginning was to try to make sure everybody got a chance to get their \$50 worth and everybody got a chance to really take home something from the conference that might be worthwhile to them while they were here. That background might give a little character to the types of discussion we had. In the area of crime specific and problem specific planning ... we felt that should not be an either/or situation and that perhaps both of them may have a definite place in the planning scheme. But simply a reliance on only crime specific planning was a very shallow approach, and that in crime specific planning it may possibly have a very good effect on planning for prevention programs and for some possible applications in the area of apprehension and policing activities. However at the time of arrest, when all people enter the criminal justice system and at that time it was very necessary for the problem solving elements to be involved. We felt that the crime specific planning was of a very political nature, one that had the advantage of showing the immediate statistical results. But there was a real question as to what its long range benefits would be. An adoption of a total planning effort based only on crime specific planning would be a mistake. In the area of regional and state planning again there was a definite need for both of these activities. It was repeatedly pointed out the need for a real definity of a master plan at the state level, with giving specific direction to the long range goals of the state. And, that through this master plan and through these long range directions that certain responsibilities in certain areas would be spelled out. That is

what the regional council would address and what the state planning group would address itself to. That the regional councils had a definite advantage in being able to involve the community within their planning efforts. Also, it was discussed that the regional planning councils had a definite role but that they must be given more authority, to give them more responsibility for planning and after they had planned the project, that they be given the responsibility and authority to carry it through to its conclusion. But the SPA must also be actively involved particularly in the monitoring area, in the fiscal accounting area and in creating the professional capabilities at the regional level as well as demanding the accountability of the local council. There was considerable discussion on the formulas on the pass through of funds and several types of formulas were discussed. On population only formula, incidents of crimes a formula for pass through based on the responsibility of providing services. If the state is to assume more responsibility, should they receive more funds? If the local level is to assume more responsibility in providing services should they then receive more funds? Based on the amount of funds presently expended or some combination of the above. No conclusion was reached but we felt that definite attention should be given to this area. Another topic was the problem of planning funds and being able to develop the professional capabilities on the regional and local level, if they are required to plan 70% of the projects with only 40% of the planning funds. This was given considerable discussion. Another thing — planning for systems change is when the planner is employed by regional councils composed of the executives of the systems who they are trying to change when in fact he would be working for a council comprised of people involved in the change. A discussion on the use of citizen involvement — desirability and the dangers involved. The techniques of using citizen involvement in some capacity in crime councils are generally appointed and are generally comprised of professionals in the system. But it was felt that citizen involvement had to be included if they were eventually to be expected to pick up the costs of the projects. Quite a bit of discussion on the subject that money was not the answer in itself. In relation to money, how much new money was actually required to implement a good system or how much diversion of existing funds is perhaps being expended inefficiently. In regard to this, the whole question of civil service, the merit system and the unions in the service giving agencies and their effect on the actual services being delivered to the client was discussed. There was a general consensus, that many of the criminal justice agencies were self-serving or serving the professionals involved rather than client serving. Also the question of the advisability of using elected versus appointed officials in the various justice systems. There was one key point threaded throughout the entire discussion and that was how interrelated the provision and the success of the criminal justice system was to the total thing of the organization of government. It was generally concluded that in many states that one of the key things to providing better services was going to be very closely connected to government reorganization, in particularly the county/municipal question.

Workshop No. 5

Our group was assigned the manpower issues and the availability of funding ... who pays the bills? In addition to those two, we touched on a couple of other interesting areas. We discussed for a few minutes, the unified court plan that Missouri is moving toward and that several other states have already adopted. One of the challenges to the plan was some of the administrative difficulties that some of the courts were engaged in, but the major problems facing the court were only peripherally engaged in the overcrowding and what not. While the court plan may reduce some of the judicial functions like the justice of the peace may be eliminated in some communities and states, their case load that they would have handled are going to have to be taken on by somebody else. In any case it was generally concluded in our group that the unified court plan was probably a desirable goal or objective. Another question which we were not assigned but which we took up was the crime specific planning concept. Crime specific planning is good depending on the type of problem that you are seeking to address and it is probably at its best when it is used in conjunction with comprehensive planning. One of the weaknesses was that the planning approach was that it deals with the problem only in one area and pushes it to another. Getting back to the topics which we were assigned — Manpower and operations problems — the biggest criminal system justice need. In getting into this question we got into the question of recruitment, and standards. Recruitment of personnel and training according to standards was just as important as having enough personnel.

Another discussion was the question of licensing police personnel just as we do attorneys or CPA's or whatever and this involved some rather heated discussion ... it's an idea anyway.

We got into the academic educators role and the group seemed to be saying that the training of criminal justice system personnel should be left up to the criminal justice system agencies. The other two questions regarding the availability of funding ... there wasn't much disagreement that the LEAA program should be continued. No one was against that. There was a general consensus that funds should go primarily to - not primarily but that funds should not all go to the cities ... not all go to the urban areas but in fact the urban areas are the best off. They have the superior resources in almost every area. Revenue sharing was needed which sort of answers the last question ... What are the other sources of non federal taxes and funding of the systems of justice and the sub systems and we felt that there were no really alternate sources outside of federal funding.

Workshop No. 6

We spent most of our time talking about evaluation, we really did touch on most of the topics. The feeling that evaluation starts with the design of projects and not with the annual report, was a common idea with all of us. I think there was an agreement that it was important to try

to state objectives in terms of the results that we were trying to produce, rather than the activities that were going to occupy the time of the project staff. We also went on to agree that if you had a project that has attempted to state objectives in terms of results that we then have to identify the kind of information that the project is carrying out in order to tell the extent to which those results have been achieved. There needs to be a method of manipulating or analysing the criteria for the project. We tended to feel that self-evaluation was very limited in value but I think it was agreed that it was necessary if only to let the person see how well he has used his resources and that self-evaluation ought to strengthen the capability and quality of projects throughout the state. Any creditable evaluation was going to have to be carried out by people other than those who design and administer a project.

CONTINUED

1 OF 2

APPENDIX

PRE-CONVENTION ANNOUNCEMENT

PRE-CONVENTION MEMORANDA
AND REFERENCE MATERIAL

CONVENTION AGENDA

LIST OF PARTICIPANTS

NEWS RELEASE

From The Office Of

Governor Warren E. Hearnes

Governor Warren E. Hearnes today asked the Missouri Law Enforcement Assistance Council to explore the possibility of Missouri hosting a National Convention on the System of Justice.

"To make our justice system work is a major domestic priority," said Hearnes. "The rhetoric has been hot and heavy on this subject for several years. It is time for a full-scale, reasoned evaluation of what has been done to improve the justice system and what needs to be done. The criminal justice system is basically a state responsibility but with national implications."

The Governor went on to observe that since criminal justice is a state responsibility there is a great need to share information on many similar projects running in each of the several states. "In a time of tight budgets, states can ill-afford to repeat mistakes already made by others." The Governor said a national convention would bring together leaders from all over the country who have actually been working to do something about reducing crime and delinquency and researching new methods of fighting crime, probably sometime in May or June, 1972. It would include those men and women who are concerned with improving the entire system of justice by making it fairer and faster.

The Governor asked William L. Culver, Executive Director of MLEAC, to explore the possibility of the national convention, develop an agenda and timetable, suggest alternative methods of funding, and contact its sister agencies in all other states for their possible participation.

The Governor also appealed for assistance from the nation's governors, noting that this effort can best succeed with their full support as well as that of the state agencies administering the LEAA (Law Enforcement Assistance Administration) program.

PRE-CONVENTION MEMORANDUM

TO: ALL STATE PLANNING AGENCY DIRECTORS
FROM: William L. Culver, Executive Director, Missouri State Planning Agency (Missouri Law Enforcement Assistance Council)
SUBJECT: THE NATIONAL CONVENTION ON THE SYSTEM OF JUSTICE
DATE: June 30, 1972 (Convention Date: September 6, 7, 8)

Introduction

Our National Convention on the System of Justice is now scheduled to be held at the campus of the University of Missouri - Columbia September 6, 7, and 8, 1972. We have received encouragement and offers of support from many SPA directors, public interest groups, and professional organizations. Among those giving specific and unqualified endorsements to our efforts are I.A.C.P., the American Judicature Society, the American Correctional Association, and our own SPA Association, the National Conference of State Criminal Justice Planning Administrators.

This memorandum contains general information on the convention and requests for specific action by the SPAs. *Only an SPA director can invite someone to participate in this convention.*

While there may be addresses by persons of national prominence and undoubtedly a social hour or two along the way somewhere plus the option of attending a Big-8 football game on Saturday morning, nevertheless the major objectives of this meeting are specific and succinctly stated on the enclosed pre-convention brochure:

- *to provide a forum for the focus of national attention on the issues of the criminal justice system.
- *to highlight what is actually working and what is not.
- *to publish selected papers and proceedings of the workshops and general sessions of the convention.

Thousands of persons have been working through the efforts of the LEAA-funded SPAs since late 1968 to attempt to improve our system of justice and reduce crime and delinquency. It is time that selected individuals who are knowledgeable about this effort get together and discuss what has been working or what needs to be done with the objective of publishing and distributing this pool of knowledge so that it will be permanently available as a part of the criminology literature of the future.

Contents

The following points will be covered in this pre-convention memorandum:

- (1) General information
- (2) Structuring of papers, sessions and workshops
- (3) Workshop topics
- (4) The role of SPA directors
- (5) Materials to come
- (6) Attachments, enclosures and reference materials

(1) GENERAL INFORMATION. As you can see from the attached news release from Missouri Governor Warren E. Hearnes from last December, we were requested after bringing the idea to the attention of the Governor to explore the possibility of this meeting, including maximum involvement of the state planning agencies. With the Governor's concurrence and that of our board chairman and with a small amount of money which our agency annually sets aside for criminal justice seminars, we have arranged for the location and management of the convention by personnel at the University of Missouri-Columbia.

Since our letter to SPA directors dated March 1, 1972 enclosing this news release and excerpts from our first "mini-prospectus" of this convention, the dates of 6th, 7th and 8th (plus an optional football game, Missouri vs. Oregon, for the afternoon of September 9, Saturday) has been firmed up; University meeting, workshop and banquet facilities have been reserved at the Memorial Union. A block of rooms at the Columbia Ramada Inn has been set aside.

Response from SPAs to this initial "teaser" letter of March 1 was enthusiastic and extremely helpful. Many of you will recognize some of your ideas included in the tentative list of workshop topics. As you will see later on, we are asking all of you again to give us your comments on potential speakers, workshop participants and chairmen and possible discussion topics which we have neglected.

Overall attendance at this convention should be limited to less than 250. We can manage to hold and provide reporting services for up to 3 workshops, which is, therefore, the number of our tentative list of workshop subjects. It is our feeling that a spread of 3 to 7 participants in workshop is the desirable number, with 5 the ideal. We will cut or expand workshops as invitations are received; however, if only 50 people attend and their selection has been carefully made by the SPA director so that quality is high, there is no doubt but what a valuable publication will result. With the risk of boring everybody to death I am going to repeat the following two items which are considered of primary importance to our success within the structure of this convention:

CONVENTION PARTICIPANTS: These must be extremely carefully selected by the state planning agency, after glancing at the list of tentative workshop subjects. The quality of literature which we leave behind will depend on the quality of the participants, reflected through the workshop

participation and recommendations.

CONVENTION OBJECTIVE: PUBLICATION OF PROCEEDINGS. We will have competent professional assistance on editing and compiling the papers and proceedings for publication. The substance, however, depends upon, again, the participants themselves. All participants will receive a copy of the proceedings when published and additional copies will be available at cost from the University of Missouri Press.

(2) STRUCTURING OF PAPERS, SESSIONS AND WORKSHOPS. An abstract of what is to be covered by any paper submitted for possible publication with the proceedings of this convention should be received by July 15. These papers can deal with any problem or concern of the system of justice or its various components including but not limited to tentative workshop subjects or the SPA-LEAA program. Papers can be submitted by convention invitees or others. The papers themselves should be received no later than August 15. Abstracts and papers should be mailed to:

Missouri Law Enforcement Assistance Council
P. O. Box 1041
Jefferson City, Missouri 65101
Attention: NCSJ.

A detailed agenda will be forwarded prior to the convention and a handbook of supplies and the specific structuring of the sessions and workshops will also be distributed to participants upon registration.

Participants are requested to register by the afternoon or evening of Wednesday, September 6. It will be essential for participants to be present during the morning of September 7 when the final structures of workshops and reporting will be outlined at a general session. Workshop facilities and recording and reporting will be available for the afternoon and evening of the 7th and all day on the 8th, including the evening if necessary. A brief and final general session probably will be held in the early evening of the 8th. Most of the work will thus be hacked out in the workshops and of course following receipt of the attached forms we are asking you to return to us, we may change workshop subjects and work in several additional ones which could run for less than the entire two day period.

(3) WORKSHOP TOPICS. The attached tentative list of topics has been gleaned from our own creative imagination and research, the excellent ACIR Report A-38 "State-Local Relations in the Criminal Justice System", and suggestions already received from SPA directors.

Additional suggestions are welcome and should be mentioned on the appropriate form when you return them to us.

(4) THE ROLE OF SPA DIRECTORS. Since there has probably been enough background for you to wade through at this point, we will now simply specifically list what we request from each SPA director as soon

as possible:

1. Send out up to four of the enclosed brochures, upon which we have attached your return address, to up to four persons whom you wish to invite. We would like to have you send us a list of these invitees either when you first send the enclosed brochure to them or as soon as they are returned to you.

We would like to have the SPA director (him or her) self included as one of these four if at all possible. Others can be anyone you select who has knowledge and experience in a facet of our program. For example: A knowledgeable academic, a regional official or director in your program; a member of your own staff or policy board; a student or public official. *Special Note:* While you may ask a federal official if you wish, we request that you not invite any LEAA person at this point since as host agency Missouri will invite selected participants from top level LEAA staff, selected public interest group representatives and other special guests who are willing to come and can add input to the workshops.

2. Either by letter on in conjunction with this brochure, request abstracts and papers from anyone who you think could contribute, whether they are to be invited by you or not or whether they live in your state or not.

3. Please pick up pen, pencil crayon or whatever and scrawl as legibly as possible answers to SPA director questionnaire forms which are attached to this memo and return to us as soon as you can. We need this so that we have an idea of who is to be invited, who you would like to see us invite as special guests and what topics you would like to see us include that are not already listed as tentative workshop subjects.

(5) MATERIALS TO COME:

- *detailed convention agenda
- *amended list of workshop topics
- *detailed information on convention site, transportation and facilities
- *information on invitees, special guests and speakers
- *convention structure and reference materials distributed at registration

(6) ATTACHMENT, ENCLOSURES AND REFERENCE MATERIALS.
ATTACHMENTS:

- *News Release, Governor Warren E. Hearnes of Missouri, dated December 17, 1971
- *List of Workshop Topics
- *SPA directors questionnaire forms to be completed immediately and returned (Please).

ENCLOSURES: 5 pre-addressed brochures for NCSJ (retain one marked "sample" and send the other four to persons you wish to invite — don't forget yourself!)

REFERENCE MATERIALS: General reference materials for the convention itself will be:

1. All SPA current Action Plans
2. State of the States Report from the National Conference of State Criminal Justice Planning Administrators annual meeting.
3. ACIR Report A-38 State-Local Relations on the Criminal Justice System
4. NCSJ Convention Papers
5. National Association of Counties publications on regional criminal justice planning
6. (If available) Report of the Attorney General's Commission on Criminal Justice Standards and Goals
7. Other. *Special Note:* I have mercifully not included a report with which the grandfather of yours truly was involved (The Missouri Crime Survey, 1926, the Macmillian Company, R.E. Culver Survey Committee Member). It is, however, still an excellent volume and something to work toward for our own proceedings, having recommended "radical" items like the establishment of a State Highway Patrol, etc.!

Summary and Conclusion

Thank you for your patience. Please scrawl on the attached forms, photo copy if you desire and mail back to us at P. O. Box 1041, Jefferson City, Missouri 65101.

I know our efforts are worthy and with your cooperation we will leave a little behind for future would-be criminologists to at least ponder over.

Finally, you will realize I have said nothing either to outsiders or to you about cost other than we have some funds for overall costs of the convention site and publication. We will work out the detailed budget and request up to \$50.00 registration fee later in the summer. In the meantime if you wish to offer your invitees the luxury of paying their expenses for travel and subsistence, then that is up to you and you alone. Also, within budgetary limits, if you have absolutely no way to pay for an invitee and they don't either, we would be glad to have you contact us on behalf of someone who you wish to send and we will see if we can in selected cases pay such expenses.

More later and best regards.

William L. Culver
Executive Director, Missouri SPA
NCSJ Convention Director

P.S. NOW: "Rip off" the last 3 sheets, fill in, and return, Thank You.

NEWS RELEASE

From the Office of

GOVERNOR WARREN E. HEARNES

17 December 1971

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TENTATIVE LIST OF WORKSHOP TOPICS

General Outline

(Categories)

- A. System Reforms — Both Underway and Yet to Come
- B. System Operations
- C. Intra-system Functional Issues
- D. Intergovernmental Issues
- E. Successful Local, Regional, State or National Projects, Programs and Approaches — What is Working
- F. Planning and Problem Identification
- G. Manpower Issues
- H. Availability of Funding — Who Pays the Bills
- I. Research and Evaluation

Workshop Topics

- A. **System Reforms — Both Underway and Yet to Come**
 - 1. Should the state governments with or without federal help assume all responsibility and standard setting for system functions (except payment of police salaries)
 - 2. State criminal codes and their relation to the state systems of justice (line agencies)
 - 3. The impact of peripheral agencies and activities on the justice system, and coordination
 - 4. Relations of the separate branches of government (executive, legislative and judicial) in reforming state justice systems
- B. **System Operations**
 - 5. The use of computer technology to upgrade system operations
 - 6. Operating roles of the separate branches of government as they relate to the justice system
- C. **Intra-system Functional Issues**
 - 7. Should minimum limits of size (16 including Chief) be placed on municipal police departments by state law
 - 8. Should the state governments with or without federal help assume all justice system costs except those of police salaries
 - 9. Is consolidation of police departments feasible
 - 10. Is a unified court system a feasible goal for each state government. How should personnel be selected
 - 11. Should corrections be regionally oriented or community based with standard-setting and funds from the state. Elimination of institutions above a certain size

12. Should a state agency on the executive level review and recommend annual budgets of all types of justice system-related agencies

D. Intergovernmental Issues

13. Is there a legitimate national interest in the setting of standards and goals for the functional areas of the system of justice
14. Should a regional justice council be established within the state to administer justice, or await general governmental consolidation

E. Successful Local, Regional, State or National Projects, Programs and Approaches — What is Working

15. The police projects successful in changing operations and services
16. Court administration and operations improvements in the metropolitan areas
17. New approaches in community based corrections and related bonding, probation and parole practices
18. The Youth Service Bureau and related subjects. Should the courts or the executive administer juvenile programs as opposed to the juvenile judicial functions
19. Role of small states and rural communities — an upgraded system for "problem - specific" citizen action for crime reduction.
20. Indian law enforcement programs and issues

F. Planning and Problem Identification

21. Should justice system planning and project administration be a creature of the state, local, regional councils, or several.
22. Is "crime-specific" or "problem-specific" planning the most effective means of attack on crime problems? What manner should technical assistance service be administered with reference to projects and planning efforts?

G. Manpower Issues

23. Do projects exist where adequate manpower has tested effectiveness of reforms already in existence
24. Is the manpower problem in the system of justice susceptible to separate solution
25. Is manpower or operations problems the biggest single justice system need and that of its sub-systems

H. Availability of Funding — Who Pays the Bills

26. Should the LEAA program be continued with increased attention to major cities and state justice system reforms
27. What are the alternate sources of non-federal taxes and funding for the system of justice and its sub-systems

I. Research and Evaluation

28. Is research available identifying effective correctional programs on individuals exposed to the system of justice

29. What are the levels and types of evaluation which can effectively be conducted on projects, programs and systems of justice
30. How important is self evaluation of programs and is "independent" evaluation important and a responsibility of the state or federal government.

SPA DIRECTOR QUESTIONNAIRE FORM

June 30, 1972 No. 1

STATE: _____

PLEASE LIST THE NAME, CATEGORY (ACADEMIC, SPA, ETC.) AND ADDRESS OF THE FOUR OR LESS PERSONS YOU ARE INVITING TO THE CONVENTION. INCLUDE SPA DIRECTOR IF PLAN TO ATTEND:

- 1.
- 2.
- 3.
- 4.

SPA DIRECTOR QUESTIONNAIRE FORM

June 30, 1972 No. 2

STATE: _____

PLEASE LIST NAMES AND ADDRESSES OF POTENTIAL SPEAKERS, SPECIAL GUESTS, OR WORKSHOP PARTICIPANTS OF SPECIAL ABILITY OR NATIONAL PROMINENCE WHICH YOU WOULD LIKE THE CONVENTION TO INCLUDE:

- 1.
- 2.
- 3.
- 4.
- 5.

SPA DIRECTOR QUESTIONNAIRE FORM

June 30, 1972 No. 3

STATE: _____

PLEASE LIST ANY SUGGESTIONS FOR WORKSHOP TOPICS NOT INCLUDED ON THE ORIGINAL ENCLOSED "TENTATIVE LIST OF WORKSHOP TOPICS".

BE SURE TO FILL IN THE BLOCK NEXT TO THE FOLLOWING LIST OF NUMBERS WITH THE LETTER REPRESENTING THE CATEGORY UNDER WHICH YOUR WORKSHOP TOPIC WOULD BE LOCATED (EXAMPLE: AN ISSUE ON A SUCCESSFUL STATE OR LOCAL PROJECT IN POLICE, COURTS OR CORRECTIONS WHICH YOU WOULD LIKE TO SEE EXPLORED WOULD FIT UNDER "E" IN THE "A THROUGH I" LIST ENTITLED GENERAL OUTLINE ON THE TENTATIVE LIST OF WORKSHOP TOPICS):

1.

2.

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MEMORANDUM

TO: ALL NCSJ PARTICIPANTS

DATE: September 7, 1972

SUBJECT: Reference Materials for NCSJ Workshop Participants

As stated in the original brochure, the objectives of this conference are:

1. To provide a forum through the various workshops for the focus of national attention on the issues in the (criminal) justice system.
2. To highlight, through the resources of the various criminal justice experts who are members of the workshops, what programs, projects and activities to reduce crime and improve the system of justice are actually working, and where the country and its communities need to go from here toward further programs and reforms.
3. To publish the workshop and convention proceedings in a permanent resource document for the use of criminal justice planners and other interested citizens.

Workshop leaders will have access to various materials to provide any requested data for various workshop discussions. However, the basic resource brought to this convention is the resource of the experiences of the participants themselves, as expressed on the issues which face justice system reform in the various workshop proceedings.

In addition to the list of workshop topics and other materials either brought to the participants or distributed at convention registration or during the proceedings, the attachments to this memorandum are supplied as a general orientation resource for workshop discussions. They include:

1. Reproduction of the "Summary of Major Findings" from the ACIR Report A-38, *State-Local Relations in the Criminal Justice System*.
2. A reproduction of the 44 major recommendations of the ACIR study.
3. Tables listing and summarizing the percentage and dollar distribution of total annual LEAA funds, 1969-1973.
4. A reproduction of the basic 1967 Presidential Commission diagram of the "System of Justice".
5. Abstract NCSJ paper "Designing Change in the Criminal Justice System" by H. Paul Haynes.
6. A brief list of standards for the functional components of the basic system of justice (from the Model Criminal Justice Reform Act, S.400, introduced by Senators Eagleton, Saxbe, Brooke and Mondale).

All workshop proceedings and the two general session proceedings

will be recorded and reported by cooperating students of the School of Law, University of Missouri-Columbia. Each workshop will be expected to explore its particular series of topics thoroughly; and if a consensus on any issues can be reached, they may be reported to the concluding general session Friday afternoon before the final banquet. However, a thorough discussion of the issues is more important than any attempt to make specific recommendations as a group. Once the primary topics of each workshop are considered, participants are also encouraged to comment and discuss any of the workshop topics listed regardless of workshops to which they are assigned.

AFTER ADJOURNMENT OF THE CONVENTION, PARTICIPANTS CAN SUBMIT PAPERS TO BE CONSIDERED FOR PUBLICATION WITH THE PROCEEDINGS WHICH RELATE TO ANY OF THE WORKSHOP TOPICS, DEADLINE: OCTOBER 15, 1972. Papers should be forwarded to Box 1041, Jefferson City, Missouri 65101.

SUMMARY OF MAJOR FINDINGS

Organizational and Jurisdictional Problems

Police

- There are upwards of 30,000 separate, independent police forces in the country. Nearly 90 percent of all local governments have police forces of less than ten full-time personnel. These small police forces, in most instances, cannot provide full patrol and investigative services for their citizens. Essential police supporting services in these communities are virtually non-existent, or difficult to obtain. Interlocal agreements for cooperative police services exist in many communities, but usually are not geared to assuring full patrol and investigative services.

- Large cities representing less than ten percent of local governments have over 80 percent of the Nation's total local police manpower. In none of the 114 multi-county metropolitan areas is there a police agency that exercises general or special jurisdiction over areawide crime.

- Rural police protection is highly decentralized, makes excessive use of part-time personnel, and has little areawide capabilities. In 1967, the 29,000 non-metropolitan local governments employed about 30,000 full-time policemen — an average of one per locality. Another 21,000 policemen in these jurisdictions were part-time. In the same year, 65 percent of county police forces had less than 11 men. County police services are provided mostly to unincorporated areas, not countywide.

- Most local police forces are largely jurisdiction bound while much of the criminal activity is mobile. As of 1966, 41 States had agreed to the Uniform Law on Interstate Fresh Pursuit. However, not all States have enacted legislation granting intrastate extraterritorial police powers.

- The "independence" of elected law enforcement officers makes modernization and interlocal coordination of police activities difficult. Sheriffs are elected in 47 States; constables in 29 States; and coroners in 26 States.

- Many State police forces operate under excessive functional and geographic restrictions and thereby are unable to provide supplementary and coordinative services to local police departments. As of 1970, 26 State police agencies are assigned highway patrol duties as their main responsibilities. Only 28 of all State forces have statewide investigative power and only 28 provide crime laboratory assistance to localities.

Courts

- Only 18 States have substantially unified their court systems. State-local court systems in the remaining States frequently lack clear patterns of court jurisdiction, central administrative control including assignment of judges within the system, and a single set of rules governing judicial

practice and procedure.

- Judges are elected in 25 States, and in 22 States there is no provision for removing for just cause judges of general trial courts others than by the cumbersome procedures of impeachment, address, or recall.

- Justice of the peace courts remain as a "universal, and universally condemned, American institution." In most of the 33 States which still have them, they are untrained, part-time, and paid by fees.

- The judicial function in 35 States is supported by an administrative office staffed by professionally trained personnel and headed by a chief administrative officer with full powers to manage the court workload. Such offices also exist in metropolitan areas of at least 13 States.

Prosecution

- The prosecutorial function is complicated in the majority of States vesting local prosecutors and attorneys general with overlapping or concurrent responsibilities. Three States lodge all criminal prosecution power in the office of attorney general; seven allow the attorney general unrestricted power to initiate local prosecution; and ten permit his unrestricted supersession of local prosecutors.

- Local prosecutors are elected in 45 States. Attorneys general are elected in 42 States.

- Prosecution is a part-time endeavor in a large part of the country. In 1966, over one-half of the local prosecutors in at least 27 States were working no more than half-time on public business.

Defense Counsel for Indigents

- Despite U. S. Supreme Court rulings requiring defense counsel for indigents, only 11 States have a statewide public defender system; an additional 30 States have assigned counsel systems. All told there were 330 public and private defender organizations operating in 1969, most on a countywide basis. Some form of assigned counsel system was in effect in another 2,900 counties, but many of these were "... without any real form of organization, control or direction."

Corrections

- All but four States have highly fragmented correctional systems, vesting various correctional responsibilities in either independent boards or noncorrectional agencies. In 41 States, an assortment of health, welfare, and youth agencies exercise certain correctional responsibilities, though their primary function is not corrections.

- In over 40 States, neither States nor local governments have full-scale responsibility for comprehensive correctional services. Some corrections services, particularly parole and adult and juvenile institutions, are administered by State agencies, while others, such as probation, local institutions and jails, and juvenile detention, are county or city responsibilities.

- More than half of the States provide no standard setting or inspection services to local jails and local adult correctional institutions.

Manpower: Selection, Qualifications, and Training

Police

- Eighteen percent of all municipalities over 10,000 population in 1968 did not have formal training programs for police recruits; 43 percent of all such municipalities provided formal training from within their own departments; and most cities below 100,000 have instructional staffs of less than five full-time personnel.

- Twenty-five States stipulate mandatory selection and training standards for local policemen. Such standards rarely call for more than five weeks of recruit training — a level half that recommended by the President's Crime Commission in 1967. Only 11 States have set minimum standards for inservice, advanced, or command personnel police training and many State surveys have found that local recruit training lasts only two or three weeks.

- Twenty-one States have restrictive personnel provisions which mandate veterans preference requirements in the selection of local police personnel.

Courts

- Thirty-six States require trial and appellate judges to be "learned in the law", but not in all instances are they required to be licensed to practice law; 25 States require a minimum period of legal experience for trial and appellate judges. The minimum period of legal experience in some States is ten years.

- A great majority of States having justices of the peace do not require that they have any legal training. Also, in most of these States, justices of the peace are compensated solely on a fee basis.

Defense Counsel for Indigents

- Assigned counsel systems in many areas lack local fiscal and public support. This condition has tended to hinder the entry of high-quality legal personnel into the public defender system.

Corrections

- Overall, less than 15 percent of State-local correctional personnel have any real opportunity for in-service training. Thirty-five percent of local probation officers in jurisdictions of less than 100,000 receive mid-career training and only 12 percent of 95 State-level probation and parole agencies have personnel exchange programs with other correctional agencies.

- Forty percent of adult correctional institutions have no staff training personnel and 49 percent of juvenile correctional institutions have no such training officers.

- Local law enforcement officers in many jurisdictions also are responsible for operating the local jail or correctional institutions. Usually, these officers lack correctional training; at least 60 percent of sheriffs' jail personnel in 11 southern States had no such training as of 1967.

Fiscal Support Patterns

Police

- Overall, local governments accounted for 79 percent of total State-local police expenditures in 1969. Twenty-three States granted fiscal assistance to local police agencies which amounted to \$49 million in 1967-68, \$12 million of which was in the form of State contribution to local police retirement systems.

Courts

- Local governments bear about 75 percent of the total cost of State-local court expenditures. Only seven States finance 90 percent or more of the costs of lower courts. Forty-nine States assume full fiscal responsibility for the highest court; 17 of 20 States having intermediate appellate courts fully finance such courts; and about 20 States subsidize significant portions of the expenses of general trial courts. Judicial retirement systems are fully financed by State governments in 25 States.

Defense Counsel for Indigents

- Of 17 States that had statewide or partial public defender systems in 1969, eight were fully State-financed, and eight were wholly locally-financed. One of these States had joint State-local financing. Of the 30 States with assigned counsel systems, the costs were borne entirely by the State in 11, by local governments in 11 others, and by a combination of fiscal sharing by eight others.

Corrections

- State government expenditures, as of 1969, accounted for about 67 percent of the total State-local corrections expenditures. The State share of these total expenditures ranges from 100 percent in Alaska, Rhode Island, and Connecticut down to 30 percent in Pennsylvania.

New Trends and Developments

While this summary of major difficulties is, and should be, disturbing, it is important to recognize that progress has been made in many States and jurisdictions. Public clamor and concern has affected policy-makers and legislators at all levels of government. Increased resources have been allocated. New legislation has been enacted. Innovative programs have been developed. The need for greater coordination among police, prosecution, courts and corrections has been recognized. Some of this occurred under the stimulus of the Omnibus Crime Control and Safe Streets Act. Findings indicating these improvements are summarized below.

Police

- Forty-three localities over 10,000 population contracted for "total" police services in 1967, while some 790 localities under 10,000 population

had police service agreements with counties, other localities, or State police departments in 1968. Certain police services are provided on an areawide basis in the St. Louis, Kansas City, Atlanta, San Francisco, and Fort Worth metropolitan areas. Moreover, mutual aid pacts exist among localities in several metropolitan areas.

- Over 50 counties have formed "independent" police forces which replaced the county sheriff's office as the primary county police organization. Fourteen States have replaced the coroner with an appointed medical examiner and 15 States have allowed local option in this matter.

- At least eleven States render fiscal assistance for improved local police training. Seventeen State police departments provide localities with police training services and Connecticut has instituted a "resident trooper" program that places trained police personnel in many smaller localities on a full-time basis.

- More than half the country's State police departments now aid local police agencies with investigative, crime laboratory, and communications assistance.

Courts

- Eighteen States have instituted substantially unified court systems and 35 States have a central court administrator.

- Seventeen States, in whole or in part, use the Missouri Plan for the selection and appointment of judges. At least 35 States now provide for judicial qualifications commissions, courts of the judiciary, or special commissions on involuntary retirement to scrutinize the performance of incumbent judicial personnel.

Corrections

- Three States have "unified" corrections systems, and another six are moving in this direction.

- Nine States have established regional juvenile detention facilities while regional jails and correctional institutions have been established in at least seven others.

- Over ten States provide inspections services for juvenile detention facilities, jails, and local correctional institutions and a comparable number of States have stipulated minimum standards for jails, local institutions, and juvenile and misdemeanor probation services.

- In four States, a single State department administers all juvenile activities; in three States, the same agency is responsible for administering both juvenile and adult correctional services.

System Planning and Coordination

- While there is no one single State or local agency that formally can coordinate the activities of all criminal justice agencies, each State now has a planning agency which is responsible for disbursing Federal aid under the Safe Streets Act. These agencies are charged with performing

comprehensive criminal justice planning at the State level and may channel Federal crime control funds for the support of programs that strengthen and better coordinate the operation of criminal justice agencies.

- Forty-five States have created regional law enforcement planning agencies. Many of these agencies focus on problems of coordinating criminal justice activities on an areawide basis and, in some cases, they interrelate their planning efforts with Model Cities planning and with applications for Juvenile Delinquency and Highway Safety Act funds.

- At the local level, 137 cities in 1969 reported they had instituted some type of criminal justice coordinating council. These agencies attempt to provide the local chief executive with information and assistance for coordinating local criminal justice agencies.

A beginning has been made in improving and modernizing operations in the various sectors of the criminal justice field. Yet, much obviously remains to be done. The 44 recommendations which follow constitute an agenda for action.

(1) The Commission recommends that all local governments in metropolitan areas assure the provision of fulltime patrol and preliminary investigative services to their residents. Metropolitan localities should provide these services either directly, or through intergovernmental cooperation with States, counties, or other local governments, or some combination thereof. The Commission also recommends that overlying county governments should be empowered to assume the police function in any metropolitan locality which fails to provide patrol and preliminary investigative services, charging the costs of such assumed police service to the affected local government. The Commission further recommends that in cases where the county does not assume these police services, State legislation should mandate the consolidation of police services in metropolitan jurisdictions which do not provide basic police services directly or through interlocal agreements.*

(2) The Commission recommends that counties be empowered and encouraged to perform specialized, supportive (staff and auxiliary) police services for constituent localities in single county metropolitan areas. These services should include communications, records, crime laboratory, and other related functions. The Commission further recommends that in multi-county or interstate metropolitan areas, States authorize and encourage appropriate areawide instrumentalities, such as regional criminal justice planning agencies, councils of government, or multifunctional, multicounty agencies to perform these supportive police services.

(3) The Commission recommends that States authorize or encourage the creation of specialized police task forces, under State or interlocal direction, to operate throughout multicounty and interstate metropolitan areas in order to deal with extralocal and organized crime. The Commission further recommends that under the interlocal option,

any areawide agency performing two or more operating functions be given responsibility for the task force; if no such areawide agency exists, the force should be established by interlocal agreement among the participating local governments.

(4) The Commission recommends that, where necessary, States enact legislation and enter into interstate compacts giving localities carefully circumscribed extraterritorial police powers relating to "close pursuit" of felonious criminal offenders and to geographically extended powers of criminal arrest. The Commission further recommends that States clarify governmental responsibility for liability insurance for police officers engaged in lawful extraterritorial police activity.

(5) The Commission recommends that where counties provide police services to unincorporated portions of metropolitan areas, States should require the costs of such services to be borne entirely by such unincorporated areas.

(6) The Commission recommends that State governments improve the capabilities of rural* police systems by any or all of the following: (a) supplying, on a contractual basis, trained State police personnel to work in rural jurisdictions; (b) having State police departments, where possible, provide a full range of police services in rural areas, or (c) providing incentive grants to encourage consolidation of subcounty police forces into a single county police force in rural areas with a high incidence of crime.**

(7) The Commission recommends that, where lacking, States consider granting the appropriate State law enforcement agency a full range of statewide law enforcement powers and removing geographic limitations on the operations of such agency. The Commission further recommends that, where needed, an appropriate State agency be encouraged to provide centralized records and crime laboratory services to all local agencies within a State, that a uniform intrastate and interstate crime reporting system be established; and that all local agencies be required, on a periodic basis, to report directly or indirectly all felony arrest and identification records to the State agency.

(8) The Commission recommends that, where needed, the office of sheriff be placed on a statutory rather than on a constitutional basis.

(9) The Commission recommends that States give metropolitan counties the option of assigning basic responsibility for countywide police services to an "independent" county police force under the control of the county chief executives or county board of commissioners. The Commission further recommends that States enact legislation which requires county law enforcement agency personnel to be compensated solely on a salary basis, covered by civil service tenure provisions, and provided with adequate retirement benefits. Where counties choose not to exercise the option of creating an independent county police force, States should authorize the assignment of responsibility for countywide police service to the sheriff's department, the reassignment of the sheriff's court and jail* duties to appropriate court and correctional agencies, and the enactment of legislation which

removes tenure limitations on the sheriff's office.

* Governor Reagan dissented.

*Rural means nonmetropolitan areas with the exception of "independent" cities of 25,000 or more.

**Governor Reagan and Mayor Mallester dissented.

*The term "jail" refers to a short-term correctional institution other than a local holding "over-night lock-up" facility.

(10) The Commission recommends that States abolish the office of constable and transfer its duties to appropriate lower court systems.

(11) The Commission recommends that States abolish the office of coroner. The Commission also recommends that States enact legislation requiring that the medical functions of the coroner be exercised by an appointed local medical examiner and the judicial functions of the coroner position be exercised by the local prosecuting attorney. The Commission further recommends that such legislation should stipulate that official records regarding certification of death be a matter of public record, and a grand jury or specified number of citizens, by petition, may call for an inquest.

(12) The Commission recommends that, where needed, States create Councils on Police Standards, composed of appropriate State, local and public members, to develop and recommend minimum standards for police selection and basic training. The Commission also recommends that States enact legislation promulgating mandatory minimum standards in these areas and assigning the administration of these standards to such councils. States should meet 100 percent of the cost of local training programs meeting mandatory State standards. The Commission further recommends that States encourage private and public institutions of higher education to offer appropriate programs for police training and that local governments establish incentive pay plans or other fiscal aids designed to help local policemen in furthering their professional training by participating in such programs.

(13) The Commission recommends that State legislatures revise their criminal code to better define the scope of discretionary police activities. More specifically, State criminal codes should stipulate the bounds of legitimate police activity in the exercise of arrest powers, search procedures, and interrogation practices. The Commission further recommends that, where lacking, States enact comprehensive governmental tort liability statutes to protect State and local police employees from tort actions arising out of legitimate use of discretionary police powers.

(14) The Commission recommends modification of State laws which restrict local chief executives from appointing local police chiefs from the ranks of any qualified applicants and which restrict local police chiefs from appointing division heads and assistants reporting directly to them. The Commission further recommends that, where necessary, States modify veterans' preference and other State civil service

regulations which serve to limit unduly or otherwise restrict the selection, appointment, and promotion of qualified local policemen.

(15) The Commission recommends that local governments substantially increase their efforts to involve citizens in the law enforcement and criminal justice process through the establishment of police-community relations machinery and programs.

(16) The Commission recommends that each State establish a simplified and unified court system, consisting of a supreme court, an intermediate court of appeals if necessary, a general trial court and special subdivisions of the general trial court performing the duties of courts of limited jurisdiction. The Commission also recommends that the States abolish justice of the peace courts, or overhaul them by placing them under State supervision, direction and administration; by compensating justices by salary rather than by fees; and by requiring them to be licensed to practice law in the State or pass an appropriate qualifying examination. The Commission further recommends that all courts be subject to administrative supervision and direction by the supreme court or the chief justice; to uniform rules of practice and procedure promulgated by the supreme court subject to change by the legislature; and to the flexible assignment by the supreme court or chief justice of judges from court to court within and between levels.*

(17) The Commission recommends that all States provide an administrative office of the State courts, headed by a professional administrator, to assist in the administrative supervision and direction of the State court system.

(18) The Commission recommends that States authorize and encourage establishment of administrative offices for the general trial courts of large urban areas. The Commission further recommends that such offices be headed by professional administrators and be under the general supervision of the State court administrator where one exists.

(19) The Commission recommends that State and local governments, where needed, adopt the "Merit Plan" of selecting judges, whereby commissions consisting of representatives of the bar, the judiciary, and the public screen and nominate qualified candidates for appointment by the chief executive. The Commission further recommends that judges so appointed be required to submit themselves to voter approval or disapproval at an election at the end of each term.

*Governor Hearnes dissents from that portion of Recommendation 16 dealing with the reform of the justice of the peace courts and states. "I believe that full-scale court unification can be best accomplished through the abolition of the post of justice of the peace rather than its overhaul."

(20) The Commission recommends that, where lacking, States establish machinery for the discipline and removal of incapacitated or unfit judges, patterned after California's Commission on Judicial Qualifications.

(21) The Commission recommends that States require all judges to

be licensed to practice law in the State.

(22) The Commission recommends that, where lacking, State laws require mandatory retirement of State and local judges upon reaching age seventy.

(23) The Commission recommends that States require all judges to devote full-time to their judicial duties.

(24) The Commission recommends that States assume full responsibility for financing State and local courts.

(25) The Commission urges State and Federal district judges, judicial officers and Bar Associations to initiate and support the development of State-Federal Judicial Councils composed of chief judges of State and appropriate Federal district courts to cooperatively explore problems of joint concern, including procedures for review of post-conviction petitions.

(26) The Commission recommends that States strengthen State responsibility for prosecution by enhancing the attorney general's authority to oversee the work of local prosecutors; by establishing a State council of prosecutors composed of all local district attorneys and under the leadership of the attorney general; and by giving the attorney general the power to consult with and advise local prosecutors in matters relating to the duties of their office; and when, in his judgment, the interest of the people of the State requires it, to attend the trial of any party accused of a crime and assist in the prosecution; and to intervene in any investigation, criminal

(27) To achieve more efficient use of manpower and a higher level of prosecution, the Commission recommends that States; when necessary, centralize the local prosecution function in a single office, responsible for all criminal prosecutions.

(28) The Commission recommends that States require prosecuting attorneys to be full-time officials and that their jurisdictions be redrawn so that each is large enough to require the full-time attention of such an official and to provide the financial resources to support his office.

(29) The Commission recommends that States pay at least 50 percent of the costs of local prosecuting attorneys' offices.

(30) The Commission recommends that, where necessary, States enact legislation authorizing prosecutors to bring indictments through either grand jury or information procedures. The Commission further recommends that prosecutors utilize grand juries primarily in cases of alleged official corruption or extraordinary public concern. When used, grand juries should be empaneled on a frequent enough basis to prevent unnecessary court delay. The Commission stresses that nothing in this recommendation is intended to modify the traditional investigative powers of grand juries.

(31) The Commission recommends that each State establish and finance a statewide system for defense of the indigent, making either a public defender or coordinated assigned counsel service readily available to every area of the State.

(32) The Commission recommends, as a matter of general public

policy, that State and local officials give a high priority to upgrading correctional institutions and rehabilitation services in order to help reduce crime rates.

(33) The Commission concludes that adequately financed, staffed, and supervised community-based treatment programs — including probation, work release, youth service bureaus, half-way houses, parole, and aftercare — can be more effective than institutional custody in rehabilitating most offenders and in facilitating their readjustment to society.

(34) The Commission recommends that the States assume full financial, administrative, and operational responsibility for juvenile and long-term adult correctional institutions, parole, juvenile aftercare, and adult probation. The Commission further recommends that local governments retain operational and a share of the fiscal responsibility for short-term adult institutions and jails, adult and juvenile detention, and misdemeanor and juvenile probation, and that the States establish and monitor minimum standards of service, furnish planning and technical assistance, and provide a reasonable share of the costs of such activities.*

(35) The Commission recommends that the State's responsibility for correctional activities, excluding the adjudicatory functions of granting paroles or pardons, be vested in one State department or agency directly accountable to the Governor.

(36) To ease the critical problem of commingling untried persons with convicted offenders, and to expedite the trial of such persons, the Commission recommends that States and local governments jointly plan and develop adequate adult and juvenile detention services and facilities which relate to the processes of the court system.

(37) The Commission recommends that State and local governments enact legislation, where necessary, authorizing work-release programs and establishing administrative and fiscal procedures to enable the State correctional agency to utilize approved regional or community.

(38) The Commission recommends that State and local governments initiate or revamp their academic and vocational training offerings for inmates of juvenile and adult institutions.

(39) The Commission recommends that States authorize and encourage local governments through financial incentives and technical assistance to contract with larger local units for the custody of their prisoners, or enter into agreements with other local units for the joint establishment and operation of regional jails and local institutions to handle such offenders.

(40) The Commission recommends that short-term penal institutions be administered by appropriately trained correctional personnel.

(41) The Commission recommends that State and appropriate local governments improve recruitment, compensation, training, and promotion practices to attract sufficient numbers of high quality personnel to the corrections system. The Commission further recommends that States establish minimum qualifications standards for correctional

personnel.

(42) The Commission recommends that, where necessary, State and local legislative bodies, personnel agencies and/or correctional agencies take action to create new personnel classification positions so that paraprofessionals and other qualified workers, including ex-offenders except former police officers, can be used in correctional programs. The Commission further recommends that States and localities make available training and educational opportunities to such personnel to enable them to meet appropriate standards.

(43) The Commission recommends that local criminal justice coordinating councils under the leadership of local chief executives be established in jurisdictions having substantial administrative responsibility for at least two of the major components of the criminal justice system. The Commission further recommends that LEAA require regional criminal justice planning agencies to coordinate their work with these local councils where they exist.

*Governor Hearnes dissents from the portion of the recommendation dealing with State assumption of certain juvenile corrections activities and states: "Juvenile corrections activities, such as institutions and aftercare, are most effectively administered at the local level. Decentralization of these functions is necessary to meet diverse local conditions. Moreover, this approach recognizes the need for juveniles to maintain close ties with their community which might not be as possible with State assumption of these activities."

(44) The Commission recommends that State and regional criminal justice planning agencies and local criminal justice coordinating councils take primary responsibility for improving interfunctional cooperation in the State-local criminal justice system. These agencies should encourage, among other things, the development of such coordinating mechanisms as seminars on sentencing practices for judicial and correctional personnel, police legal advisors, and a comprehensive criminal justice data system. They should also encourage the coordinating efforts of the existing professional law enforcement organizations. The Commission further recommends that State legislatures establish a joint standing committee or take other appropriate means to provide for continuing study and review of the progress in achieving a better coordinated State-local criminal justice system.

LIST OF PARTICIPANTS

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FINAL CONVENTION AGENDA

Wednesday, September 6

*4:00 - 9:00 p.m.

Registration, Ramada Inn
Columbia, Missouri

*7:00 - 9:00 p.m.

Meeting with Workshop Leaders
and Reporters, Memorial Student
Union, Main Campus, University
of Missouri - Columbia

*Concurrently with Above

Reception (Cash Bar), Ramada Inn,
Columbia, Missouri

Thursday, September 7

*9:00 - 9:15 a.m.

Bus and limousine service from
Ramada Inn to Convention Site,
Memorial Student Union, Main
Campus, University of Missouri-
Columbia

*Registration continues at
Memorial Student Union

OPENING OF CONVENTION

William L. Culver

Executive Director, Missouri Law
Enforcement Assistance Council and
Convention Director — Presiding
Welcoming Messages

*9:30 a.m.

Office of the Governor of Missouri
Office of the Attorney General of Missouri

*The Honorable John C. Danforth
Attorney General and Member,
Missouri Law Enforcement Assistance
Council

*10:00 a.m.

Welcome from the University System
*The Honorable C. Brice Ratchford
President, University of Missouri
Convention Logistic Details

*10:15 a.m.

*James R. Preston
Convention Coordinator,
University of Missouri-Columbia
and NCSJ Host

*10:30 a.m.

Coffee Break

*10:45 a.m. - 12:00 noon

Charge to Convention and
Assignment to Workshops
William L. Culver, Convention Director

*Arthur J. Bilek, Chairman

*12:00
*12:45 p.m.

*1:30 - 5:30 p.m.

*7:30 p.m.

*9:00 - 10:00 p.m.

Friday, September 8

*9:00 - 9:15 a.m.

*9:30 - 12:00 noon

*12:00

*12:30 p.m.

*1:30 - 4:00 p.m.

Illinois Crime Commission and
formerly Professor, University of
Illinois at Chicago Circle
Lunch, Memorial Student Union
*Speaker, Douglas Harman, Ph.D.,
International City Management Association
and formerly Professor, American University
Workshops in Session,
Memorial Student Union Workshop Rooms
Reporting of Workshops performed by
students of School of Law, University
of Missouri-Columbia
Continuous coffee, donut and coke service
in the faculty lounge, third floor,
Memorial Student Union, Southern Wing,
by special permission of the University.
Banquet, Memorial Student Union
*Special Entertainment — "Songs of
Justice" - Rodney Moag
*Address by the Honorable John F. X. Irving,
Dean, Seton Hall School of Law,
South Orange, New Jersey,
formerly Executive Director, Illinois
Crime Commission and Past Chairman,
National Conference of State Criminal
Justice Planning Administrators
Meeting of Workshop Leaders,
Memorial Student Union
(Bus and limousine service to
Ramada Inn and local motels from
Memorial Student Union)

Bus and limousine service from
Ramada Inn to Convention Site,
Memorial Student Union, Main
Campus, University of Missouri-
Columbia
Workshops in Session
Lunch, Memorial Student Union
*Speakers, H. Paul Haynes,
Assistant Executive Officer
District of Columbia Courts
Marshall J. Hartman
National Director of Defender
Services, National Legal Aid
and Defender Association
Workshops in Session

*4:00 - 5:30 p.m.

*6:00 p.m.

CLOSING OF CONVENTION

Saturday, September 9 (Optional)

*1:00 p.m.

*4:00 - 8:00 p.m.

General Plenary Session, Memorial
Student Union Auditorium,
Workshop Reports and Discussion
Banquet, Memorial Student Union
*Address: Charles L. Owen, Executive
Director, Kentucky Crime
Commission and Chairman,
National Conference of State
Criminal Justice Planning
Administrators

Transportation to Memorial Stadium,
Big Eight Football - Missouri vs. Oregon
Convention Director's Reception
2000 Country Club Drive, South
Columbia, Missouri

PERCENTAGE DISTRIBUTION OF TOTAL ANNUAL LEAA FUNDS

Percent of Annual Funds, 1969-1973

	1969	1970	1971	1972	1973
Action (Part C Only)	38.5%	68.2%	64.1%	59.2%	56.5%
Discretionary	6.8	11.9	11.3	10.4	16.6
Part E.	—	—	9.4	13.9	6.6
Planning	30.1	7.8	4.9	5.0	5.8
Academic Assistance	10.3	6.7	4.0	4.2	5.2
Institute	4.7	2.7	3.6	3.0	3.6
NCJSIS	—	.3	.8	1.3	2.4
Administration	3.0	1.6	1.1	1.6	1.7
Technical Assistance	—	.4	.8	1.0	1.1
Unaccountable	6.3	—	—	—	—
TOTAL	99.7%	99.6%	100.0%	99.6%	99.5%
Total Dollar Appropriation	63m	268m	480m	698m	850m
Total Dollar Authorization	100.1m	300.0m	650.0m	1,150.0m	1,750.0m

DISTRIBUTION OF TOTAL ANNUAL LEAA FUNDS, IN DOLLARS

	1969	1970	1971	1972	1973
Action (Part C Only)	\$24.3	\$182.8	\$340.0	\$413.7	\$480.3
Discretionary	4.3	32.0	60.0	73.0	84.8
					Part C 56.5
					Part E 56.5
Part E	—	—	50.0	97.5	56.5
Planning	19.0	21.0	26.0	35.0	50.0
Academic Assistance	6.5	18.0	21.0	30.0	45.0
Institute	3.0	7.5	19.0	21.0	31.0
NCJSIS	—	1.0	4.0	9.7	21.2
Administration	1.9	4.3	6.0	11.5	14.8
Technical Assistance	—	1.2	4.0	7.0	10.0
Miscellaneous	4.0	—	—	—	—
Total Dollars	\$63.0	\$267.8	\$530.0*	\$698.4	\$850.1
					*(\$480m plus \$50m Part E)

Data Source:

For 1969 — "LEAA, A Program For Safer, More Just America", LEAA, U.S. Department of Justice, Page 24.

For 1970 — "LEAA, 1970", LEAA, U.S. Department of Justice, Page 43.

For 1971 — "LEAA, A Program For A Safer More Just America", LEAA, U.S. Department of Justice, Page 24.

For 1972 — "Notice to SPA Directors, FY 72 Allocations, Planning Estimates." OLEP, January 29, 1971.

For 1973 — "Notice to SPA Directors, Projected Allocation ... FY73", OCJA, 1-27-72.

For Authorization Amounts — P.L. 90-351, Sec. 520, P.L. 91-644, Sec. 520.

END