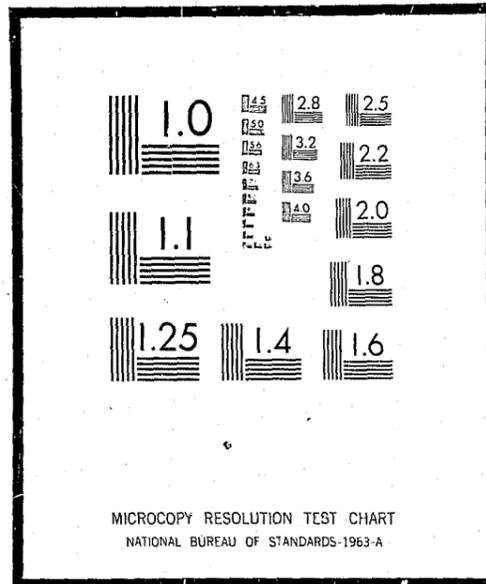


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WASHINGTON, D.C. 20531

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BUILDING THE CONSENSUS FOR CHANGE IN PENNSYLVANIA'S CRIMINAL JUSTICE SYSTEM

PROCEEDINGS OF THE FIRST PENNSYLVANIA CONFERENCE ON CRIMINAL JUSTICE STANDARDS AND GOALS

JUNE 1974

PENNSYLVANIA JOINT COUNCIL ON THE CRIMINAL JUSTICE SYSTEM
Committee for Criminal Justice Standards and Goals

P.O. Box 866 Harrisburg, Pennsylvania 17108

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Appendix A: Workshop Moderator's Reports

About the Pennsylvania Committee
for Criminal Justice Standards and Goals

The Pennsylvania Committee for Criminal Justice Standards and Goals was created in early 1973 as a part of the Joint Council on the Criminal Justice System. The charge to the Committee is to develop and maintain a continuing effort to adopt and implement improved standards and goals applicable in all components of the Pennsylvania Justice System.

The Council and its Committee have been recognized by Governor Shapp and assigned a leadership role in working with all state and local criminal justice officials and agencies to adopt and implement upgraded standards. Lieutenant Governor Kline is an active participant in this continuing program. Yet the effort is broader than one sponsored by any single administration or level of government. It necessarily involves the support and continuing participation of public and private officials and leaders at all levels and, most importantly, a broad active base of private citizen support. The membership of the Joint Council and the Committee reflect this kind of support structure and cooperation.

Committee Membership

Henry R. Smith, Jr., Chairman
Judge, Court of Common Pleas, Allegheny County

John A. Craig, Inspector, Mayor's Criminal Justice Improvement Team, Philadelphia
Charlotte Ginsburg, Pennsylvania Program for Women and Girl Offenders, Pittsburgh
Dwight L. Koerber, Esquire, Pennsylvania Bar Association
William G. Nagel, Executive Director, American Foundation, Inc.
William B. Robinson, Warden, Allegheny County Prison
John N. Sawyer, President Judge, Court of Common Pleas, Beaver County
William R. Shane, Representative, Pennsylvania General Assembly
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Membership of the
Pennsylvania Joint Council on the
Criminal Justice System

Richard P. Conaboy, Chairman
Judge, Court of Common Pleas, Lackawanna County

W. Thomas Andrews, Senator, Pennsylvania General Assembly
Colonel James Barger, Commissioner, Pennsylvania State Police
William Butler, Chairman, Pennsylvania Board of Probation and Parole
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Frances Del Duca, Esquire, Pennsylvania Bar Association
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Pennsylvania Department of Public Welfare
Dwight L. Koerber, Esquire, Pennsylvania Bar Association
William C. Kriner, Esquire, Pennsylvania Bar Association
Israel Packel, Attorney General
John N. Sawyer, President Judge, Court of Common Pleas, Beaver County
Anthony R. Scirica, Representative, Pennsylvania General Assembly
William R. Shane, Representative, Pennsylvania General Assembly
Henry R. Smith, Jr., Judge, Court of Common Pleas, Allegheny County
Fred Speaker, Esquire, Former Attorney General
Stewart Werner, Commissioner, Pennsylvania Bureau of Correction
Vincent J. Ziccardi, Esquire, President, Public Defender's Association

Suzanne Yenchko, Director

SUMMARY

This Report is not merely a summary of a recent Conference on the Pennsylvania criminal justice system. The objective, rather, is to identify and describe the nature and extent of consensus reached by an important statewide group of citizens and public officials on priorities and strategies to improve the Commonwealth's criminal justice system.

The Conference, sponsored by the Pennsylvania Joint Council on the Criminal Justice System and its Committee for Criminal Justice Standards and Goals, enlisted the participation of some 300 Pennsylvania officials and civic leaders in improving the effectiveness of the Commonwealth's criminal justice system.

Conference workshop discussions covered a wide range of topics focussed on the following six major themes.

1. Revision of basic criminal justice laws.
2. Social environmental changes and crime prevention.
3. Diversion from the criminal justice system.
4. Operational improvements and efficiency.
5. Organizational issues affecting system operations.
6. Community support and participation.

Participants also balloted their judgment and preferences among alternative strategies and courses of action for achieving system improvements in the shortest period of time. A plenary session of all eight workshops provided cross-communication and added to the general level of consensus.

Based on analysis of reports submitted by each workshop Moderator, Conference discussions and conclusions supported, either explicitly or implicitly, the implementation of nearly 100 of the standards and goals recommended by the National Advisory Commission on Criminal Justice Standards and Goals.

Highlights of workshop results and recommendations, summarized under the identified major themes, and the major strategy preferences of participants follow. More detailed descriptions of Conference results are included in the full text at the indicated page references.

Revisions of Basic Laws Affecting the Criminal Justice System (pp. 10-14)

Most workshops supported decriminalization and limiting the overreach of the criminal law, although there were differences as to which offenses should be decriminalized. There was also support for simplifying the penalty structure in the criminal codes. Finally, some of the workshops discussed the issue of victim compensation and in general supported the concept with differences as to whether coverage should be limited to personal injuries, or should be extended to include property damage.

Social Environmental Changes and Crime Prevention (pp. 14-17)

This theme was a major emphasis of the Community Workshops. There was strong support for involving the normal socializing agencies of school, church and other community

public and private agencies in the fight to prevent and control crime. There was support for specific programs on law and justice in the schools. The need for expanding recreation programs to serve all youth was expressed. There was also concern for the equitable application of governmental powers of zoning, licensing, tax assessment, etc. as methods which exemplify fairness and improve the quality of community life.

Diversion from Entry or Full Processing Within the Criminal Justice System (pp. 18-20)

Across all workshops there was widespread support for the concept of diversion from entry or full processing. Community Workshops strongly supported creation and funding of youth services bureaus to play a leadership role in developing alternatives to official processing. Court Workshops endorsed the accelerated rehabilitative disposition programs and vigorous prosecutorial screening, but expressed concern that the criteria for diversion be clearly expressed so that it is equitably applied. Correction Workshops supported the use of diversionary programs but pointed out the need to develop viable alternatives, particularly in rural areas where services may be sparse. In all workshops there was a concern for fairness in this selection of cases for diversion and emphasis on the need for real alternative services rather than merely dumping individuals in need out of the criminal justice system.

Operational Improvements Within Each of the Components of
the Criminal Justice System

A. Police (pp. 20-22)

Written police procedures, better role definition of personnel and of operational objectives and priorities were endorsed. Furthermore, personnel policies including mandatory minimum qualifications, active recruitment of minorities and women and training requirements were recommended. There was support for formulation of internal discipline procedures, but differences as to how it should be accomplished.

B. Courts (pp. 23-27)

There was controversy among workshops around the issue of minimum sentences with Community and Court Workshops supporting abolition of minimum sentences and the Police Workshops supporting mandatory minimums. In the area of sentencing, the Nonurban Community Workshop felt that written reasons for selecting a particular sentence should be mandatory. The Urban Court Workshop urged a legislative study of a one-step judicial review process, unrestricted by technical objections made at the time of the trial. Several workshops dealt with standards for court administration and staffing and urged more state support for court administration. It was recommended that the Supreme Court should determine and enforce standards for personnel selection and training, court administration and policy uniformity. Merit selection for

all court employees, including judges, should be established. The Urban Court Workshop unanimously agreed that district attorneys and public defenders should be full time, adequately staffed and provided salaries comparable to private members of the Bar. There was support in several workshops for training for the minor judiciary. Finally, the issue of information systems was addressed to provide timely accurate information, particularly on alternatives at the time of sentencing. However, there was concern expressed about the misuse of such information systems and the need for careful control over access and policies about expungement.

C. Corrections (pp. 27-29)

The Urban Correction Workshop supported the principle of the least drastic treatment alternative in sentencing and disposition. There was some discussion of classification but with attention being drawn to the very limited number of alternatives available in most county correctional facilities. Finally, the controversial issue over construction of new facilities was discussed. The Urban Correction Workshop supported a moratorium on adult and juvenile institution construction projects. The Non-urban Corrections group dissented to allow for upgrading woefully inadequate county jails.

Organizational Issues; Inter-Component and Inter-Governmental Relationships Affecting System Operations and Effectiveness
(pp. 29-31)

The major organizational recommendation of Community Workshops was the creation and state funding of youth service bureaus with a caveat that all referrals to such agencies be voluntary. The Nonurban Police Workshop endorsed a minimum police department size of ten, but urged careful study of various ways to achieve consolidation. The unification of corrections into a separate state cabinet level department was endorsed by the Urban Correction Workshop. Placement of juvenile services in such an agency was not resolved. The Nonurban Correction group favored probation services under the judiciary and did not favor a unified state department. They did feel, however, that standard setting, subsidies and enforcement of standards should be a state function.

Community Support for and Participation in the Criminal Justice System (pp. 32-34)

Across all workshops there was widespread support for increased citizen participation in activities to control crime in their community, and for closer working relationships between citizens and all the criminal justice agencies. Particular emphasis was placed on the community's role in the development of community based treatment programs.

Balloting on Implementation Strategies

The Conference concluded with a paper and pencil exercise focussed on strategies and courses of action to improve the State's total criminal justice system. Conferees were asked to respond to seven basic questions by ranking or choosing among various options relevant to systemwide improvements. The following statements reflect general observations on the patterns of responses:

1. One of the more noticeable results is that there is a recurring theme that mere increased funding is not the solution to the problems of the criminal justice system. This theme appears in the responses to questions relating to barriers to improvement, improving court services, and statewide strategies for improvement (See Tables 1,5,7).
2. Support for coordination, public support and better management appeared repeatedly.
3. The respondents tended to prefer "executive management" strategies for improvement over both legislative and grassroots strategies in response to the question on statewide approaches for improvement. But this pattern should not be interpreted to exclude a need for citizen and community support.
4. In suggested improvements to specific component areas, the respondents typically chose a mix of internal actions and actions involving coordination between two or more bodies. In these questions, the set of the top two or three options contained inter-agency and/or across level interventions, reflecting the need to make criminal justice more of a system.
5. The top three barriers to substantial improvements were fragmentation and lack of coordination, public indifference and distrust, and poor management and administration.
6. Attention and resources should be received by the components in the order of community (first), followed by courts, corrections, and police, although wide variety of opinion on this point was registered.

7. The community's role in crime prevention and the criminal justice system can best be improved by improvement of general social conditions (housing, education, employment, etc.) and specific support for diversion and re-entry programs.
8. The police component can be improved by upgrading professional standards, training, and pay scales, and by consolidation of police resources and better coordination with other agencies.
9. The courts component should be improved in the following aspects: screening, diversion, caseload management; sentencing and plea bargaining procedures; and number and quality of judges and minor judiciary.
10. Corrections should be improved by upgrading the community-based corrections orientation, the quality of probation services, offenders services and the number and training of correctional personnel.
11. The statewide approaches rated feasible and effective were: urging the Governor and executive agency heads to adopt standards relevant to them; encourage the Supreme Court to adopt relevant standards through its rule-making power; and work with each state agency and criminal justice system component.

The Future Implementation Program

The Pennsylvania Committee for Criminal Justice Standards and Goals recognizes this first Pennsylvania Conference on Criminal Justice Standards and Goals as a significant accomplishment, but by no means the completion of its task. The on-going implementation program includes continuing review and analysis of standards and goals by state and local criminal justice agencies as well as private agencies and community groups. Three regional conferences are scheduled to enlarge the consensus for change to improve the system statewide and at regional levels. These activities are designed

to establish a clearly identified, comprehensive set of standards geared to Pennsylvania needs. This set of standards will be reviewed and ratified by a 1975 state convention attended by high level representatives of the legislative, executive and judicial branches of state government, as well as civic leaders and criminal justice officials. The ratification process will be followed by a monitored acceptance and implementation of specific standards in all criminal justice agencies.

The Committee's goal is to witness the evolution of an integrated effective and socially productive criminal justice system, during the year 1976. What better way to honor the Bicentennial of this Nation's birth than to demonstrate a true system which guarantees freedom from fear of crime as well as justice and equity to all citizens.

I. ABOUT THE CONFERENCE

Objective and Perspective

This Report is not merely a summary of a recent Conference on the Pennsylvania criminal justice system. The objective, rather, is to identify and describe the nature and extent of consensus reached by an important statewide group of citizens and public officials on priorities and strategies to improve the Commonwealth's criminal justice system.

The focus of the Conference and this Report is to continue the process of critically examining all components of the system - community, police, courts and corrections - in the light of criminal justice standards and goals. The term "standard" is defined to mean a specific criterion or yardstick which describes, as objectively as possible, a required level or quality of performance for a criminal justice function or service. A "goal", in this context, describes a criterion or yardstick of performance which is to be achieved at the earliest possible future date. Implementation of standards and goals is the process of gaining official acceptance and adoption by the various criminal justice agencies of specifically defined criteria and yardsticks against which performance can be both measured and progressively improved.

This process requires the fullest possible public and official participation to build a consensus for change which will insure operational and systemwide improvements.

Just as the Conference was not a one-shot affair, this Report does not represent a tidy summary of completed accomplishments. Conference discussions were rigorous, disciplined and productive. Analysis of workshop discussions and Conference moderators' reports, as presented in this Report, provided a basis for identifying some 100 National Commission standards which were affirmed or generally supported in workshop deliberations. The synopsis version of these standards are included, not to suggest that unanimity of opinion was achieved, or that each standard was subjected to a full, in-depth exploration.

The Report is designed to extend the impact of the Conference and to provide a tool for continuing the process of building the consensus for change in critical aspects of the criminal justice system. Conference findings and recommendations can be used as benchmarks by many citizens and public officials including, but not limited to, those who attended the Conference. The intent is to further the informed discussion of standards and goals and their use in improving the State's criminal justice system, to hopefully broaden the consensus for change, and to further identify and support strategies through which needed changes can be achieved.

Pennsylvania can have whatever kind of criminal justice system its citizenry demands and is willing to support. The building of a consensus for change and systemwide improvement is a basic charge given to the Committee for Criminal Justice Standards and Goals by the Joint Council on the Criminal Justice System. The opportunity for change is provided through the work of the National Advisory Commission on Criminal Justice Standards and Goals. The Pennsylvania Committee will continue on a broad front its program of standards implementation. It will continue to work directly with chief elected officials and criminal justice agencies at state and local levels to assist in the adoption of upgraded standards. It will also continue to encourage and assist citizen groups across the state to provide leadership and support for improved criminal justice standards and operations. In the final analysis, it is an informed public - operating through private groups and public officials - that can successfully insist that changes be made.

Organization and Program

The Pennsylvania Conference on Criminal Justice Standards and Goals was held on June 5-7, 1974 in Pittsburgh. The Conference, sponsored by the Pennsylvania Joint Council on the Criminal Justice System and its Committee for Criminal Justice Standards and Goals, was designed to enlist the active participation of some 300 Pennsylvania officials and private

citizens in improving the effectiveness of the Commonwealth's criminal justice system. The meeting represented an important part of the Committee's continuing strategy for implementing criminal justice standards and goals.

The 300 people who attended the Conference included criminal justice officials and staff of both the state and local levels of government, Regional Planning Council leaders, private agency members and lay public representatives. The interests of these people extended to all components of the criminal justice system - police, courts, corrections and community crime prevention - thus representing a strategic mix of participants from all elements of the criminal justice system and all parts of the State. Conference participants each received a syllabus of information describing the standards and goals developed by the National Advisory Commission on Criminal Justice Standards and Goals and soliciting their views and judgments on current criminal justice problems in relation to the need for upgraded standards. The review of the National Standards and Goals covered all components of the criminal justice system; participants examined policy and operational problems of each individual component as well as their systemic impact and relationships. It was recognized that some standards have already been adopted in Pennsylvania practice, others provide guidelines for needed change, and still others represent goals which can only be achieved over a longer time period. The Conference

thus reflected two basic objectives: (1) to provide impetus for the earliest possible adoption of standards which are closely tied to present Pennsylvania practice and (2) to help shape strategy and priorities for guiding the Commonwealth's continuing implementation program.

Separate Conference workshops on community, police, courts and corrections were established. Urban and Nonurban sections in each of these workshops enabled participants to focus on a manageable and relevant range of issues and produced high level participation and discussion by all members. The discussion agenda included criminal justice issues and relationships broader than those immediately relevant to each component. All eight workshops discussed the relative merits of changing basic laws, as in the decriminalization of certain offenses and the systemic consequences of such actions. Other major themes discussed by all workshops included crime prevention, diversion issues and strategies, operating problems and procedures and broad statewide issues and problems. The program included a written exercise requiring selection and ranking of alternative strategies and priority decisions possible in standards implementation.

In a plenary session, all participants reviewed workshop reports and discussed major issues of controversy and concern. This Report presents the results of workshop deliberations, the extent and degree of consensus for action reached by

Conference participants, and the standards and goals explicitly or implicitly supported for inclusion in the continuing implementation program. Results of the balloting in the written exercise are also included and show significant patterns in the judgment and reactions to implementation issues among members of different workshops.

Future Implementation Program

The results and impetus of the June Conference are being used by the Standards and Goals Committee in its continuing implementation program which includes the following activities.

1. Encourage and assist state criminal justice agencies to review National Advisory Commission standards and recommendations and to compare relevant standards and goals against their existing practices.
2. Continue the broad-based review and analysis by relevant public and private agencies and community groups to identify and support the adoption of appropriate standards in all components of the criminal justice system.
3. Cosponsor and help conduct three regional conferences in the western, central, and eastern sections of the state to achieve a broad-gauged and highly visible review of the whole spectrum of standards and goals and their systemic relationships. Each of the three regional conferences will consider standards and goals

in terms of their statewide implications and in relation to the eight Regional Planning Councils of the Governor's Justice Commission.

4. Continue to monitor the implementation process leading to the compilation of an overall set of standards and goals appropriate for acceptance and adoption by Pennsylvania criminal justice agencies. This compilation will also be reviewed and ratified by the Pennsylvania Joint Council on the Criminal Justice System.
5. Conduct a statewide convention to formally review and ratify the set of standards and goals for adoption in Pennsylvania. This convention will be cosponsored with the Governor's Justice Commission. The convention will be attended by high-level representatives of the executive, legislative and judicial branches of state government, the Regional Planning Councils of the Governor's Justice Commission, units of local government, public and private community organizations and state associations.
6. Using the ratified, comprehensive set of Pennsylvania standards, submit specific subsets of standards to all criminal justice agencies for adoption and implementation. This process will be monitored and will include Committee sponsored liaison activities with appropriate legislative committees and budget officials to enable and facilitate the implementation of adopted standards.

II. CONFERENCE RESULTS: BUILDING THE CONSENSUS FOR CHANGE

As preparation for the June Conference, an earlier wide-spread dissemination of standards and goals was made throughout the Pennsylvania criminal justice system. More than 600 public and private officials and leaders, selected because of their decision-making role in the system, were asked to respond to questions concerning applicability of the standards and implementation possibilities.

Key standards and recommendations developed by the National Advisory Commission on Criminal Justice Standards and Goals were submitted for review and evaluation by this broad group of Pennsylvania criminal justice "managers". An overall review of responses to this implementation effort supported quite positive observations and conclusions. These recorded attitudes and reactions of key officials and private citizens guided Conference planning to achieve a more detailed analysis of specific criminal justice issues and implementation possibilities and strategies. Conclusions of the first survey included the following:

1. There is broad support for the general use of standards and goals as a means of upgrading Pennsylvania's criminal justice system. The support is evident in all of the groups who participated.

2. These informed officials and citizens are aware that a significant gap exists between present Pennsylvania practice and standards in all areas of the criminal justice system.
3. A marked latitude and support for change to improve the system exists. Substantial and progressive development and implementation of standards appropriate to Pennsylvania is favored.
4. They do believe that development and implementation of standards will improve fairness, efficiency and rehabilitation potential. And they are aware that additional funds probably will be required.
5. Finally, they are aware that some degree of resistance can be expected, but the general judgment seems to be that it is not overwhelming.

Based on this recognition that there exists in Pennsylvania a broad latitude for change in the criminal justice system, the Conference was used to explore key issues and build support for implementation of specific standards. Conference results and recommendations, based on analysis of moderators' reports and Conference materials, are presented under the following agenda for implementation action:

1. Revision of basic laws affecting the criminal justice system.
2. Social environmental changes and crime prevention.

3. Diversion from entry or full processing within the criminal justice system.
4. Operational improvements within each of the components of the criminal justice system.
5. Organizational issues; inter-component and inter-governmental relationships affecting system operation and effectiveness.
6. Community support and participation for the criminal justice system.

This agenda for action closely parallels keynote speaker Robert Kutak's view of actions needed to reform the criminal justice system in terms of (1) fewer laws, (2) more alternatives to prosecution, (3) shorter sentences, (4) more disposition resources, (5) improved staffing of correctional services, and (6) more public involvement. In summarizing the results of workshop deliberations, the emphasis is not to present a verbatim or chronological report for each of the eight workshops. Nor is it intended to make this report a purely reportorial running commentary of workshop debates. Rather, the effort here is to reflect general conclusions for recommended courses of implementing action on which there was substantial, not unanimous, agreement by workshop participants. Reports submitted by each workshop moderator are included in the Appendix.

Workshop Recommendations

1. Revision of Basic Laws Affecting the Criminal Justice System

Revision of basic laws affecting one or more components of the criminal justice system can, of course, cover a wide

variety of sub-topics ranging from comprehensive review and revision of the State's criminal code to further delimiting the role of the minor judiciary. Even though Pennsylvania has recently revised the Criminal Code, there was concern expressed in at least two of the workshops for further and continuous updating of this basic statute. The Urban Community Workshop favored continuous review by both the state and local units of government of laws and ordinances dealing with crimes and criminal penalties. These participants favored code revisions which simplify the penalty structure, impose procedural controls on the exercise of discretion in sentencing and which encourage the use of probation and other diversion alternatives.

The Nonurban Police Workshop favored a permanent state commission to make continuous review for the purpose of updating and revising the Criminal Code and related statutes.

The major focus in this discussion of basic law revision, however, was the decriminalization of certain types of offenses. Although there were differences among workshops as to which offenses should be decriminalized, there was unanimity of opinion that definitive action in this direction should be taken. The Community Workshops had no difficulty in adopting National Commission recommendations for the decriminalization of such offenses as gambling, marijuana use, pornography, prostitution, sexual acts between consenting adults, drunkenness, and vagrancy.

The Corrections Workshops produced similar conclusions, but also expressed real concern for the development of additional human services to replace criminal justice services used in dealing with some of what are now considered offenses. Court Workshops were somewhat more guarded in their conclusions in this area, but they specifically stated that this category of offenses should be subjected to further study with the goal of decriminalization and the development of alternative service resources. The Police Workshops developed more limited conclusions with respect to decriminalization. They joined with other workshops in concluding that minor traffic offenses and drunkenness should not be handled as a police matter. They also favored legalizing certain types of gambling. Nonurban Police Workshop, however, favored the continued police enforcement of laws controlling prostitution until these offenses are decriminalized.

There was similar wide agreement among all workshops with respect to the general goal of victim compensation. It is fair to say that all workshops favored the principle of providing some type of compensatory payments for both personal injury and property damage sustained by victims of offenses. The Urban Courts Workshop unanimously supported victim compensation for medical expenses, time lost from work and other non-property losses as set forth in Pennsylvania Senate Bill 1523. There was also recognition of the practical problems involved in implementing any victim compensation process

requiring restitution from indigent offenders. The Urban Court Workshop also favored legislative change to remove traffic offenses from court processing and the use of administrative measures to resolve such cases.

Considerable time was spent in some workshops on the problem of status offenses (runaway, dependency, incorrigibility) charged against juveniles. The Urban Court Workshop unanimously approved the removal of status offenses for juveniles from the criminal justice system and the use of alternative service programs to deal with these matters.

The following National Advisory Commission Standards and Goals are relevant to revision of basic criminal justice laws and were supported either explicitly or implicitly by workshop discussions.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹</u>
CS 13.1	Revise criminal codes in States where codes have not been revised in the past decade.
CS 13.2	Complete revision of criminal codes.
CS 13.3	Simplify the penalty structure in criminal codes.
CS 13.6	Revise criminal procedure laws.
CS 13.9	Continue law revision efforts through a permanent commission.
CT 8.2	Dispose administratively of all traffic cases except certain serious offenses.

¹See explanatory footnote on following page.

Standard
Identification

Synopses of Relevant NAC Standards¹ (Cont'd.)

- NS * The Commission recommends that States re-evaluate their laws on gambling, marijuana use and possession for use, pornography, prostitution, and sexual acts between consenting adults in private. Such reevaluation should determine if current laws best serve the purpose of the State and the needs of the public. (p. 203)
- NS * The Commission recommends that drunkenness in and of itself should not continue to be treated as a crime. All States should give serious consideration to enacting the Uniform Alcoholism and Intoxication Act. (p. 205)

2. Social Environmental Changes and Crime Prevention

Efforts to prevent and control the incidence of criminal offenses range from measures and activities to improve the quality of community life to direct preventive intervention programs such as youth gang work, counseling and related community services. Preventive programs and activities were a major focus in the Community Workshops.

Existing community institutions and agencies, including schools, churches and other public and private groups were recognized as resources in the fight to prevent and control

¹Synopses of standards developed by the National Advisory Commission on Criminal Justice Standards and Goals summary report, A National Strategy to Reduce Crime, pp. 153-168. The full text of the standards, along with commentary, appear in the National Commission Reports series covering the components of the criminal justice system. Each standard is identified by a specific standard number and by the particular National Commission Report volume according to the following code:

CP - <u>Community Crime Prevention</u>	CR - <u>Corrections</u>
PL - <u>Police</u>	CS - <u>Criminal Justice System</u>
CT - <u>Courts</u>	NS - <u>A National Strategy to Reduce Crime</u>

All reports can be obtained through the Government Printing Office, Washington, D.C. In some cases, the National Commission Reports provide a recommendation rather than a specific standard. These are identified by an asterisk (*).

crime. As pointed out by both the Urban and Nonurban Community Workshops, schools should set the best examples of justice and democracy in their operation and the rules which govern student behavior. They should offer courses dealing specifically with the law related subjects, as well as with the social areas of family living, sex education and parental relationships. The Urban Community Workshop urged LEAA sponsorship of crime prevention programs even at the elementary school level. Teachers should assist in dealing with troubled youth. School buildings and facilities should be used in crime and delinquency prevention programs.

Churches and other social agencies also provide useful physical facilities. Through their membership, they can recruit volunteers to assist in crime prevention programs.

Both Community Workshops highlighted and supported the important role of recreation in crime prevention programs. The Urban Community Workshop underscored this importance by stating that recreation programs must be created or expanded to serve the total youth population.

Communities should provide fiscal support to implement specific programs to prevent crime and delinquency. Both state and local governments should provide support for Youth Service Bureaus. Urban Community was in favor of state funding to support community crime prevention efforts and suggested that state funds could be made available directly to individual applicants.

Community Workshops also dealt with the broader issues of zoning, licensing, tax assessments and equitable distribution of public and private funds. These were seen as methods to improve the quality of community life and thus help to reduce crime. Workshops expressed concern for equitable criteria for zoning controls, licensing and tax assessment purposes. The Urban Community Workshop emphasized that exclusionary zoning should be prohibited by state law.

The Workshops endorsed the concept of community participation in crime prevention as part of an expanded awareness by citizens, media and community agencies about the criminal justice system. Local governments should give priority programming to drug education, youth employment and crime prevention. Information on these programs should be widely distributed by the media. Correctional agencies, courts and police should develop and implement improved public relations, policies and activities. The goal is to involve the maximum number of citizens in crime prevention efforts.

The relevant National Standards supported either explicitly or implicitly by workshop discussion included the following.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹</u>
CP 6.2*	Exemplify justice and democracy in school operations.

¹See explanatory footnote, page 14.

*Commission Recommendation.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹ (Cont'd.)</u>
CP 6.6*	Provide effective supportive services in schools.
CP 6.8*	Open schools for community activities.
CP 8.1*	Enlist religious community participation in crime prevention.
CP 8.4*	Open church facilities for community programs.
CP 7.1*	Develop recreation programs for delinquency prevention.
CP 2.1*	Distribute public service on the basis of need.
CP 13.2	Formulate specific criteria for government decision-making.
CP 13.1	Develop equitable criteria for zoning, licensing, and tax assessment.
CP 5.9*	Require employers' compliance with anti-discrimination laws.
CP 5.10*	Increase support of minority businesses.
CP 5.11*	Alleviate housing and transportation discrimination.
CT 10.3	Coordinate responsibility among the court, news media, the public, and the bar for providing information to the public about the courts.
PL 1.7	Promote police relations with the media.
CP 2.4*	Broadcast local government meetings and hearings.

¹See explanatory footnote, page 14.

*Commission Recommendation.

3. Diversion from the Criminal Justice System

Diversion of clients covers the referral and rerouting of persons from the criminal justice system to alternative systems (e.g., alcoholics) and the use of the least drastic means possible at various stages of processing (e.g., citations in lieu of arrest, release on own recognizance instead of detention).

The Community Workshops both strongly supported the creation of youth services bureaus to play a leadership role in developing an alternative system of youth services. The Urban Community Workshop expressed particular concern that strong and specific guidelines be developed to ensure equitable application of police diversion. (See also "Organizational Issues" theme.)

The Police Workshops did not directly address diversion, but both spent considerable time on decriminalization of certain offenses which they saw as critical to diverting a large portion of their workload. Both strongly urged alternative methods of handling drunkenness. The Nonurban Police Workshop felt that gambling arrests should be continued unless the legislature decriminalized them.

The Courts Workshops endorsed diversion programs. The Nonurban group expressed the need for clear criteria to promote uniform application of accelerated rehabilitative disposition (ARD) programs. The Urban group strongly endorsed

effective prosecutorial screening of "weak" cases and minor offenders. They also expressed an interest in the consolidation of and integration of many of the diversionary programs available at the intake stage.

Both Corrections groups supported decriminalization and diversion with strong concern expressed in the Nonurban group on the need to develop viable alternatives in rural areas. The Urban group directly endorsed the "least drastic alternative" decision criteria at all stages of the process. The Nonurban group displayed sensitivity to the need for explicit criteria to govern diversion, particularly in the police area, and warned of the danger of using diversion as a dumping ground for cases of dubious prosecutorial merit. Finally they addressed the issue of jurisdictional responsibility for diversionary programs and raised the question that if the criminal justice system retains control (as in the case with ARD), is it really diversion?

In summary, some of the issues that cut across workshops in the area of diversion were the following: concern for fairness in the selection of cases for diversion; an emphasis on the need for real alternative services to be developed and funded; and a concern for the organization of diversionary services so that they are not merely relabeled programs within the criminal justice system.

The following National Advisory Commission Standards and Goals are relevant to the discussion of diversion and were

supported either explicitly or implicitly by various workshop groups.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹</u>
CP 3.3	Divert offenders into youth services.
CP 3.4	Provide direct and referral services to youths.
PL 1.3	Formalize police use of discretion.
PL 4.3	Formalize diversion procedures to insure equitable treatment.
PL 4.4	Utilize alternatives to arrest and pretrial detention.
CT 1.1	Screen certain accused persons out of the criminal justice system.
CT 1.2	Formulate written guidelines for screening decisions.
CT 2.1	Utilize, as appropriate, diversion into non-criminal justice programs before trial.
CT 2.2	Develop guidelines for diversion decisions.
CT 12.7	Assure that each prosecutor develops written office policies and practices.
CR 3.1	Implement formal diversion programs.

4. Operational and Processing Improvements

A. Police

Operational and processing issues relate to all those internal administrative and procedural functions of police

¹See explanatory footnote, page 14.

departments involving investigation, patrol and deployment strategies, arrest, custody and referral for prosecutorial investigation and court processing. The major focus of the workshop discussions at this Conference related to police policy definition, personnel practices, and police accountability.

The necessity of written police procedures, role definition of personnel, and definition of operational objectives and priorities was endorsed.

Recommended personnel policies included mandatory minimum (but culturally unbiased) qualifications, active recruitment of minorities and women, 40-hour-per-year in-service training requirement, incentives for continuing education, and promotion by merit. Support for passage of the police training bill (HB531) was expressed.

The question of accountability of the police chief was discussed in both Police Workshops. The Urban Police Workshop explored the issue of accountability in terms of whether the police chief should be responsible to the political executive, a commission, or whether the nature and conditions of responsibility should be expressed in a written contract. They reached no definitive resolution of this issue. In the Non-urban Police Workshop, it was decided that the chief should be responsible to only one executive and not to minor officials. Adequate discipline programs were seen as essential to the integrity of any good police department.

Relevant National Advisory Commission Standards and Goals endorsed explicitly or implicitly by workshop discussions of police operations include the following.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹</u>
PL 1.5	Enhance police officers' understanding of their role and of the culture of their community.
PL 2.2	Establish written policies to help employees attain agency goals and objectives.
PL 13.3	Insure nondiscriminatory recruitment practices.
PL 13.4	Implement minimum police officer selection standards.
PL 13.5	Formalize a nondiscriminatory applicant screening process.
PL 13.6	Encourage the employment of women.
PL 15.1	Upgrade entry-level educational requirements.
PL 15.2	Implement police officer educational incentives.
PL 16.1	Establish State minimum training standards.
PL 16.2	Develop effective training programs.
PL 16.3	Develop training prior to work assignment.
PL 16.5	Establish routine in-service training programs.
PL 19.1	Formulate internal discipline procedures.
PL 19.6	Implement positive programs to prevent misconduct.

¹See explanatory footnote, page 14.

B. Courts

Issues in court system operation range from the establishment and implementation of personnel and operational standards for court operations to the complexities of trial, sentencing and judicial review. Issues and subjects within this range were given intensive attention at the Conference by Court Workshop participants.

The whole issue of the use of minimum sentences received special attention. Community and Court Workshops urged the outright abolition of minimum sentences. The Nonurban Police Workshop dissented from this stand. The Police Workshop supported mandatory minimum sentencing with a reduction in the discretionary power of judges.

Need for review of sentencing practices was expressed by several workshops. The Nonurban Community Workshop discussed this point in detail, and recommended that a written statement justifying the nature and type of sentence be made mandatory. This Workshop suggested that such a statement also should be mandatory to back-up parole and pardon board decisions.

The Urban Court Workshop urged legislative review and further study of a one-step judicial review process and the utilization of a set of court designated attorneys to review, for errors, all cases on appeal. The Nonurban Court Workshop wanted to limit each defendant to one appeal--unrestricted by technical objections made at the time of the trial.

Consolidation of the Commonwealth's trial courts into a fully unified state court system was a subject of concern in several workshops. There was substantial agreement that state court administration has improved and that further changes are needed. Nonurban Courts supported state-financed county court administration including salaries of the court administrators.

Both the Urban and Nonurban Court Workshops dealt in some detail with standards for court administration and staffing, specifying a more active role in this area for the State Supreme Court. The Court should determine and enforce standards for personnel selection and training, court administration and policy uniformity. A merit selection system for all court employees, including judges, should be established.

The Urban Court Workshop unanimously agreed that district attorneys and public defenders should be full-time, adequately staffed, and provided salaries comparable to private members of the bar. Public defenders should be appointed for 4-year terms.

There was agreement in several workshops that minor judiciary should be extensively trained, but not necessarily members of the bar. The Nonurban Court Workshops further specified that salaries and selection procedures should be consistent with those of judges in order to attract highly qualified people.

There was agreement that information on alternatives to incarceration is too frequently obsolete by the time it reaches the judiciary. Efforts to increase the awareness and accessibility of such information are essential. Court Workshops recognized the need for computerized data systems to increase the accuracy, efficiency, and standardization of record-keeping within the system. The Nonurban Court Workshop favored a statewide comprehensive data system (CDS) to which individual counties could be connected.

The extent and use of computer systems containing information on criminal histories and offender-based transactions was debated and concern was expressed about possible misuse of such information. The Urban Police Workshop agreed that procedures must be established on the type of access to such information. Policies to expunge certain types of information, such as unfounded offense records, from the system were recommended as essential to the protection of civil rights.

The relevant National Advisory Commission Standards and Goals endorsed explicitly or implicitly by workshop discussions on operational improvements within the court sector of the criminal justice system included the following.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹</u>
CT 9.1	Establish policies for the administration of the State's courts.

¹See explanatory footnote, page 14.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹ (Cont'd.)</u>
CT 8.1	Assure that State courts are unified courts of record, financed by the State, administered on a statewide basis, and presided over by full-time judges admitted to the practice of law.
CT 4.8	Hold preliminary hearings within 2 weeks after arrest; eliminate formal arraignment.
CT 6.1	Provide the opportunity to every convicted person for one full and fair review.
CT 6.2	Provide a full-time professional staff of lawyers in the reviewing court.
CT 7.1	Select judges on the basis of merit qualifications.
CT 7.5	Create and maintain a comprehensive program of continuing judicial education.
CT 12.1	Assure that prosecutors are full-time skilled professionals, authorized to serve a minimum term of 4 years, and compensated adequately.
CT 12.3	Provide prosecutors with supporting staff and facilities comparable to that of similar size private law firms.
CT 12.8	Assure that prosecutors have an active role in crime investigation, with adequate investigative staff and subpoena powers.
CT 13.7	Assure that public defenders are full time and adequately compensated.
CT 13.14	Provide public defender offices with adequate supportive services and personnel.
CT 8.2	Dispose administratively of all traffic cases except certain serious offenses.
CT 11.1	Utilize computer services consistent with the needs and caseloads of the courts.
CS 7.7	Establish computer interfaces for criminal justice information systems.
CS 8.2	Define the scope of criminal justice information systems files.

¹See explanatory footnote, page 14.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹ (Cont'd.)</u>
CS 8.3	Limit access and dissemination of criminal justice information.
CS 7.6	Safeguard systems containing criminal offender data.

C. Corrections

Potential operational improvements in the corrections component of the criminal justice system involve issues ranging from changes in rehabilitative concepts and philosophy to the redesign of physical facilities. The unification of correctional services as a cabinet department is discussed under organizational issues, although it also might have been included here.

Two basic treatment issues received priority attention. The Urban Corrections Workshop supported the NAC principle that the least drastic treatment alternative should be used in sentencing and disposition decisions. A corollary conclusion reached was that the burden should rest on the state to show nature of degree of need for restrictive dispositions. It was noted that the effective use of presently known and as yet untried alternatives to incarceration for either sentenced or untried offenders has not been reached.

¹See explanatory footnote, page 14.

The Nonurban Corrections Workshop noted that the classification standard was at best a moot point from the point of view of many local correctional officials, since the only decision possible is relatively trivial ("upstairs block or downstairs block"). The Workshop expressed dissatisfaction with classification schemes, in general, because they too frequently reflect the "sick person" treatment model.

The question of construction of new and enlarged facilities brought a number of mixed points to the surface. The Urban Corrections Workshop supported a ten-year moratorium on construction for adult institutions, but the Nonurban group thought an exception should be made for physical improvements to county jails which are in very poor condition. No consensus was reached on a suggested moratorium for juvenile institutions, although Urban wanted to withhold funds from private juvenile institutions for five years.

Relevant National Advisory Commission Standards and Goals endorsed explicitly or implicitly by workshop discussions of improvement in corrections include the following.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹</u>
CR 5.2	Establish sentencing practices for non-dangerous offenders.
CR 5.3	Establish sentencing practices for serious offenders.

¹See explanatory footnote, page 14.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹ (Cont'd.)</u>
CR 6.1	Develop a comprehensive classification system.
NS *	States should refrain from building any more state institutions for juveniles; States should phase out present institutions over a 5-year period. (p. 187)
NS *	States should also refrain from building more state institutions for adults for the next 10 years except when total system planning shows that the need for them is imperative. (p. 187)
CR 8.3	Apply the total system planning concepts to juvenile detention centers.
CR 9.1	Undertake total system planning for community corrections.
CR 11.1	Seek alternatives to new State institutions.

5. Organizational Issues

The focus of organizational issues is on the structuring and interrelationships between agencies within the criminal justice system. The scope includes structural and operational relationships between components of the system and between the different levels of government involved. Workshop discussions ranged from the need for youth services bureaus to consolidation of police departments and the unification of correctional services as a separate state department.

¹See explanatory footnote, page 14.

*Commission Recommendation.

Youth services bureaus (YSB) were endorsed by both Community Workshops. Suggested details included voluntary acceptance by all referrals, reasonably secure funding, and local control.

A minimum police department size of ten was endorsed by the Nonurban Police Workshop. The necessity of care in implementing this standard was stressed, including the suggestion of a multi-representation committee with an assignment to study the best implementation mode for each region studied. Several forms of consolidation were suggested.

The unification of corrections into a separate state cabinet level department was discussed extensively in both Corrections Workshops with different outcomes. The Urban Correction Workshop favored the department and the placement of probation field services and local jails in it, although they reached no decision on the placement of juvenile services and the Board of Probation and Parole. The Nonurban groups favored probation services under the judiciary and did not favor a unified state department organization. The group did specify, however, that the state should perform standard setting, provide subsidies and exercise sanctions over local correctional agencies.

The following National Advisory Commission Standards and Goals are relevant to the Organizational Issues theme

and were supported either explicitly or implicitly by the workshop discussions.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹</u>
CP 3.1	Coordinate youth services through youth services bureaus.
CP 3.3	Divert offenders into youth services bureaus.
CP 3.4	Provide direct and referral services to youths.
CP 3.7	Appropriate funds for youth services bureaus.
CP 3.8	Legislate establishment and funding of youth services bureaus.
NS *	Referrals to youth services bureau should be completed only if they are voluntarily accepted by the youth. Youths should not be forced to choose between bureau referral and further justice system processing. (p. 55)
PL 5.2	Consolidate police agencies for greater effectiveness and efficiency.
CT 8.2	Dispose administratively of all traffic cases except certain serious offenses.
CR 9.2	Incorporate local correctional functions within the State system. (Divided opinion)
CR 9.3	Formulate State standards for local facilities. (Divided opinion)
CR 10.1	Place probation under executive branch jurisdiction. (Divided opinion)
CR 12.1	Establish independent state parole boards. (Divided opinion)
CR 16.4	Legislate the unification of corrections. (Divided opinion)

¹See explanatory footnote, page 14.

*Commission Recommendation.

6. Community Support for the Criminal Justice System

Beyond the clear need of the community to be involved in crime prevention programs, there is also a larger need for communities to develop direct, active working relationships in support of police, court and correction operations. There is even greater emphasis on the community's role in the development of community-based treatment programs. This is the scope of topics included under the general theme of community support.

Community support for police operations was emphasized in the discussion of crime prevention programs. Beyond that, both the Urban and Nonurban Police Workshops accented the general need for closer working relationships between communities and police departments.

The Urban Court Workshop stated that expansion, refinement and coordination of community-based programs and agencies (such as the Pennsylvania Program for Women and Girl Offenders) with the courts would greatly benefit all.

The Corrections group agreed that standards on increasing citizen involvement were particularly relevant and should be implemented. The Urban Community Workshop added their support and specified governmental employment of ex-offenders, elimination of union discrimination against ex-offenders, and expanded oversight by the State Human Relations Commission to include ex-offenders.

The Nonurban Community group also specified a broad variety of community social and rehabilitative services to assist in providing employment opportunities for pre-delinquent youth and ex-offenders. This group urged that maximum consideration be given to neighborhood attitudes in planning community treatment programs and that direct public education efforts be made to facilitate acceptance of expanded community-based treatment programs.

The Urban Community Workshop recommended expanded public participation in a wide range of criminal justice activities including the governing body of youth service bureaus, statewide committees planning juvenile justice programs, and mandatory participation in all LEAA-funded programs.

The relevant National Standards endorsed either explicitly or implicitly by workshop discussion included the following.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹</u>
CS 1.5	Encourage the participation of operating agencies and the public in the criminal justice planning process.
CP 9.6*	Involve citizens in law enforcement.
PL 1.4	(The police should) Improve communication and relations with the public.
PL 3.2	(The police should) Involve the public in neighborhood crime prevention efforts.
PL 4.1	(The police should) Coordinate planning and crime control efforts with other components of the criminal justice system.

¹See explanatory footnote, page 14.

*Commission Recommendation.

<u>Standard Identification</u>	<u>Synopses of Relevant NAC Standards¹ (Cont'd.)</u>
PL 5.1	Establish a police service that meets the needs of the community.
PL 5.5	(The police should) Participate in any community planning that can affect crime.
PL 5.1*	Formalize relationships between public and private police agencies.
CR 7.2	Insure correctional cooperation with community agencies.
CR 7.3	Seek public involvement in corrections.
CP 5.1*	Expand job opportunities for disadvantaged youth.
CP 5.2*	Broaden after-school and summer employment programs.
CR 12.6	Develop community services for parolees.
CR 7.1	Develop a range of community-based alternatives to institutionalization.
CP 5.4*	Expand job opportunities for offenders and ex-offenders.
CP 5.5*	Remove ex-offender employment barriers.
CP 5.6*	Create public employment programs.
CP 5.7*	Expand job opportunities for former drug abusers.
CP 5.8*	Target employment, income, and credit efforts in poverty areas.

¹See explanatory footnote, page 14.

*Commission Recommendation.

Conference Plenary Session

After meeting in eight workshop sessions for nearly a day and a half, the Conference participants met in a plenary session to hear reports by the respective workshop moderators and to express their opinions and judgments about the Conference results. The workshop reports, presented at the plenary session, represented the consensus of the participants in each of the eight workshops which included urban and nonurban sections of corrections, courts, police and community crime prevention. Earlier, the moderators had prepared draft written reports summarizing and highlighting the issues discussed and agreement reached in each workshop section. Workshop participants, therefore, had an opportunity to review these drafts and help to determine whether they accurately reflected the decisions reached in their workshop. In this way, the workshop reports represent an actual consensus of all the workshop participants and not just the opinions of the workshop leaders.

During the plenary session, some discussion from the floor accompanied each of the workshop reports as they were presented. Each report received the approval of the Conference participants, thus putting the Conference as a whole on record as indicating consensus around the major recommendations that evolved out of each workshop. As a result of these discussions, the following motions were offered from the floor and approved by the Conference participants:

1. That Corrections Standard 8.2, dealing with juvenile intake services, be adopted by the Conference and that the State Legislature be informed that Senate Bill 125, which allows youngsters to be detained in county jails for up to thirty days, is contrary to this standard.
2. That under no circumstances should children be referred to court for behavior that would not bring them before the law if they were adults. (Corrections Standard 8.2: 6-b)
3. That any individual should have access to his arrest records and the right to review them and have expunged from them any material that is misleading, inaccurate or irrelevant.
4. That all basic police training programs should include a component of intensive sensitivity training.

Near the end of the plenary session, several additional motions were offered from the floor and approved by the participants in attendance, who represented by that time a minority of the participants in attendance for the workshop reports. These motions were as follows:

1. That the Conference move to bring standards and goals in line with equal rights requirements as they are adopted by the Commonwealth of Pennsylvania and that they stipulate the active recruitment of women for employment at all levels of the criminal justice system.

2. That the State Legislature act to remove prostitution from the Pennsylvania Criminal Code.
3. That total system planning be required before there would be any new construction of either county or state adult correctional facilities and that there be a moratorium for the next ten years on the construction of any county jail or state correctional institution in Pennsylvania.

It was emphasized by the chair that because of the relatively few Conference participants still in attendance, the votes approving these motions would represent their acceptance and not endorsement by the whole Conference itself.

Balloting on Implementation Strategies

On the last day of the Conference, workshop participants were asked to ballot their preferences among alternative strategies and courses of action to improve the State's total criminal justice system. A total of 133 Conferees participated in this written exercise. Each person was asked to respond to seven basic questions by ranking or choosing among various options relevant to systemwide improvements.

The following tables present compiled rankings and interpretative notes which indicate the more significant results of the balloting. Each question is repeated along

with the range of options which the Conferees were asked to consider. Options are listed in the order of aggregate ratings assigned. The pattern of workshop responses, extent of consensus and the degree of deviation among options selected is clearly indicated by scanning the individual workshop rankings.

In general, response to this difficult exercise was excellent and results are useful to the Committee in planning its continuing implementation program. Conferees faced up to the hard choices posed and produced results reflecting sound logic and substantial consensus. General observations reflecting significant perceptions expressed include the following:

- increased funding alone cannot solve basic problems affecting the criminal justice system;
- fragmentation within the system, public apathy and distrust, and less than adequate management services are major problems;
- system improvements can be obtained through vigorous and sustained executive management strategies;
- improvements within components of the system require a mix of internal operating changes and improved coordination with other parts of the system.

More detailed findings and observations are presented in the analysis of responses to each question on the following pages.

Table 1.

A. The Question

Rank the following possible barriers to making substantial improvements in the criminal justice system. (Use "1" to indicate the greatest barrier; "2" for the next greatest, etc.)

B. Responses

OPTIONS	CONFERENCE AGGREGATE RANKINGS	WORKSHOP RANKINGS							
		Community		Police		Courts		Corrections	
		Urb	Nonurb	Urb	Nonurb	Urb	Nonurb	Urb	Nonurb
Fragmentation and lack of coordination.	1	1	1	1	1	2	1	2	3
Public indifference and distrust.	2	2	2	3	6	4	2	3	2
Poor management and administration.	3	4	4	5	2	3	3	4	4
Inadequate legislative base -- criminal laws and organization.	4	3	6	6	3	6	5	1	6
Inadequate resources and staff.	5	6	5	4	4	1	6	5	1
Lack of specific objectives and priorities.	6	5	3	2	5	5	4	6	5
Other.	7	7	7	7	7	7	7	7	7

C. Interpretive Notes

- a. Fragmentation and public indifference and distrust are clearly perceived as the most important barriers to improvement, and there is substantial agreement on this point.
- b. Significantly, inadequate resources and staffing ranked lower than might have been expected as a barrier to improvement, both in the ranks of the averaged responses and in the rankings of all workshops with the exceptions of Urban Courts and Nonurban Corrections.
- c. The relatively low rankings assigned to legislative base as a barrier in most workshops and in the averaged responses might suggest a general perception that substantial improvements can be made without waiting for the slow legislative processes.

Table 2.

A. The Question

- a. In terms of your observation and judgment, rank the components of the criminal justice system in the order of the amount of attention and resources they have each received.
- b. Rank the components of the criminal justice system in the order of attention and resources which you believe they should receive to achieve the greatest improvement to the total system.

B. Responses

OPTIONS	CONFERENCE AGGREGATE RANKINGS	WORKSHOP RANKINGS							
		Community		Police		Courts		Corrections	
		Urb	Nonurb	Urb	Nonurb	Urb	Nonurb	Urb	Nonurb
#3A " . . . have received . . . "									
Police	1	1	1	1	1	1	1	1	1
Courts	2	2	2	3	3	2	3	2	2
Corrections	3	3	3	2	2	3	2	3	3
Community	4	4	4	4	4	4	4	4	4
#3B " . . . should receive . . . "									
Community	1	1	1	3	4	3	4	1	1
Courts	2	2	2	1	2	1	2	2	4
Corrections	3	4	3.5	4	3	2	1	3	3
Police	4	3	3.5	2	1	4	3	4	2

C. Interpretive Notes

- a. There is near unanimous agreement on the order in which the components have received attention and resources: police first, followed by courts, corrections, and community. It might be mentioned that the concept of the community as an active component in the criminal justice system is relatively new.
- b. In the aggregate rankings it was felt that the relative attention and resources paid to police and to community should be reversed in priority. That is, community currently is last but should be first, and police currently is first but should be last.
- c. In the "should receive" responses by individual workshops, there is a general expression of self-interest. All workshops except Urban Police think their component should get at least as much as or more than it currently does.

Table 2.

C. Interpretive Notes (Cont.)

- d. In the major deviation from the self-interest patterns, Corrections workshops ranked the community as most in need of attention and resources, and themselves third. This suggests a belief in a greater community role in the management of deviance.
- e. It is suggestive that Urban Police ranks the courts as needing more attention and resources than police, perhaps reflecting their concern over court policies and backlogs in handling their arrests.

Table 3.

A. The Question

Rank the following possible methods of improving the community's role in crime prevention and criminal justice system support programs. (Use "1" for highest rank, "2" for next highest, etc.)

B. Responses

OPTIONS	CONFERENCE AGGREGATE RANKINGS	WORKSHOP RANKINGS							
		Community		Police		Courts		Corrections	
		Urb	Nonurb	Urb	Nonurb	Urb	Nonurb	Urb	Nonurb
Work for improved housing, public education, employment opportunities and community facilities.	1	1	1	1	2.5	1	2	1	1
Organize the community for diversion and re-entry support programs.	2	2	2.5	3	4	2	1	2	2
Broaden social justice education programs in the schools.	3	4	2.5	2	1	4	4	3.5	3
Establish a citizen's criminal justice advisory board and/or action team.	4	3	4	4	2.5	3	3	3.5	4
Other	5	5	5	5	5	5	5	5	5

C. Interpretive Notes

- a. Improvement of general social conditions (housing, education, etc.) ranked highest as a means of improving the community's role, and there was reasonable consensus on this point. One aspect of such a strategy not addressed by this question is the problem of whether such programs should be part of the criminal justice system.
- b. The more specific community support for diversion and re-entry programs ranked second with reasonable consensus.
- c. The previous question suggests a reinvestment of attention and resources in favor of the community. This question should be considered as suggesting details of that reinvestment.

Table 4.

A. The Question

Rank the following possible methods of improving police services. (Use "1" for highest rank, etc.)

B. Responses

OPTIONS	CONFERENCE AGGREGATE RANKINGS	WORKSHOP RANKINGS							
		Community		Police		Courts		Corrections	
		Urb	Nonurb	Urb	Nonurb	Urb	Nonurb	Urb	Nonurb
Upgrade professional standards, training and pay scales.	1	1	1	1	1.5	1	1	1	1
Consolidate police resources and improve coordination with other agencies.	2	3	2	2	1.5	2	3	2	2
Improve internal discipline and citizen complaint procedures.	3	4	3	3	3	3	2	4	3
Increase minority representation, and use of civilians.	4	2	4	4	5	4	4	3	4
Increase patrol effectiveness.	5	5	5	5	4	5	5	5	5
Other.	6	6	6	6	6	6	6	6	6

C. Interpretive Notes

- a. Upgrading professional standards, training and pay scales ranks first with a general consensus.
- b. Consolidation and coordination ranks second with a general consensus. It is noteworthy that the Nonurban Police are part of this consensus.
- c. The low ranking of increasing patrol effectiveness as a means of improving police services is of interest. This judgement is consistent with the results of the LEAA-sponsored Kansas City study on patrol effectiveness. It showed that there was no difference in crime between districts (matched demographically) with no preventive patrol and with four or five cars on preventive patrol.
- d. Discipline and citizen complaint procedures ranked third with general consensus. Note that Police ranked this item at least as high as the other workshops.

Table 5.

A. The Question

Rank the following possible methods of improving court services.
(Use "1" for highest rank, etc.)

B. Responses

OPTIONS	CONFERENCE AGGREGATE RANKINGS	WORKSHOP RANKINGS							
		Community		Police		Courts		Corrections	
		Urb	Nonurb	Urb	Nonurb	Urb	Nonurb	Urb	Nonurb
Improve screening, diversion and caseflow management.	1	1	1	1	4	5	1	1	1
Improve sentencing procedures and control plea negotiation.	2	2	3	2	1	7	4	5	2
Upgrade the number and quality of judges and minor judiciary.	3	4	2	3.5	3	2	6	2	4
Improve prosecution and defense services.	4	3	4.5	6	2	3	2	3	3
Revise procedures for the selection of judges and minor judiciary.	5	5	4.5	3.5	5	1	5	4	5
Upgrade the responsibility and authority of court administrative officers.	6	6	6	5	6	4	7	6	7
Increase authority and financing for operating all criminal courts.	7	7	7	7	7	6	3	7	6
Other.	8	8	8	8	8	8	8	8	8

C. Interpretive Notes

- a. The first place is assigned to screening, diversion, and caseflow management in most workshops, with the exception of Urban Courts and Nonurban Police. The reader will recall that organizing for diversion and reentry also had a high rating in improving the community's role. (See Table 4.) This is evidence of an across-function consistency in rating means of improving components of the criminal justice system.
- b. The high ranking of upgrading sentencing and plea bargaining procedures suggests attitudes consistent with the National Advisory Commission's Standards and Goals.
- c. It is noteworthy that increasing authority and financing ranked quite low across the board with the exception of Nonurban Courts. Again, this is consistent with an earlier ranking: the low placement of resources and staff as barriers to improvement. (See Table 2.)

Table 5.

C. Interpretive Notes (cont.)

- d. Urban Courts workshop differed significantly on a number of options. Most notably, selection of judges scored much higher (first) than in other workshops; and screening, diversion, and caseflow management and sentencing and plea bargaining procedures scored lower than in other workshops.

Table 6.

A. The Question

Rank the following possible methods of improving correctional services.

B. Responses

OPTIONS	CONFERENCE AGGREGATE RANKINGS	WORKSHOP RANKINGS							
		Community		Police		Courts		Corrections	
		Urb	Nonurb	Urb	Nonurb	Urb	Nonurb	Urb	Nonurb
Work toward a greater variety and a fuller use of community-based correctional programs.	1	1	1	1	1	1	1	1	2
Upgrade the quality of probation services.	2	3.5	2	2	2	2	3	2	4
Upgrade offender services and the number and training of correctional personnel.	3	2	4	4	4	3.5	5	4	1
Place all adult State correctional services under the direction of a single agency.	4	6	5	4	3	3.5	6	3	7
Upgrade the quality of parole services.	5	5	3	4	5	5	4	6	6
Strengthen offenders' rights and responsibilities.	6	3.5	6	6	7	6	2	5	5
Increase State responsibility and authority for local jail operations	7	7	7	7	6	7	7	7	3
Other.	8	8	8	8	8	8	8	8	8

C. Interpretive Notes

- There is general consensus on the community-based corrections orientation, evidenced by the consistent first rank assigned to that option.
- Probation is clearly ranked second, supporting the community-based corrections theme. These first two options further support diversion and community orientations that appeared in earlier questions.
- Operational recommendations are ranked after the first two positions: upgrading services and personnel and a unified correctional agency rank third and fourth respectively, and both with reasonable consistency.
- State control of local jails ranks last. It may be significant that the Nonurban Corrections workshop ranked this item fairly high, in contrast to the ranking assigned by other workshops.

Table 7.

A. The Question

Rank, in terms of feasibility and possible effectiveness, the following possible statewide approaches to achieving upgraded criminal justice standards and goals. (Use "1" for most feasible and effective, "2" for next most feasible and effective, etc.)

B. Responses

OPTIONS	CONFERENCE AGGREGATE RANKINGS	WORKSHOP RANKINGS							
		Community		Police		Courts		Corrections	
		Urb	Nonurb	Urb	Nonurb	Urb	Nonurb	Urb	Nonurb
Urge the Governor and executive agency heads to adopt standards relevant to their agency operations.	1	2	4	5	1	2	3	2	2
Encourage the Supreme Court, through its rule-making power, to adopt relevant standards to improve the administration of justice.	2	4	3	4	5.5	1	4	1	5
Work with each state agency and criminal justice system component to demonstrate that standards implementation will improve efficiency and effectiveness.	3	5	1.5	3	2.5	3.5	2	6	3.5
Urge the Legislature to pass an "omnibus standards and goals implementation act."	4	6	1.5	1	5.5	5	6	3	3.5
Persuade the Governor's Justice Commission to require standards conformity as a basis for LEAA fund distribution.	5	3	6	2	2.5	3.5	5	5	7
Build new broad-based constituencies at the grass roots level for implementations of standards and goals.	6	1	5	6	4	7	1	4	1
Demand that government taxing authorities provide more funds for criminal justice.	7	7	7	7	7	6	7	7	6
Other.	8	8	8	8	8	8	8	8	8

C. Interpretive Notes

- The last place ranking of the demand for more funds is highly significant. There was general consensus that the other approaches are better in terms of both feasibility and effectiveness. Money is not the panacea.
- What might be called "executive management" strategies are favored: working through the governor and agency heads, working with agencies, and using Supreme Court rule-making rank first, second, and third respectively. It is noteworthy that the Governor's Justice Commission is missing from this list. This may suggest the perception that the GJC influences a relatively low percentage of criminal justice dollars.

Table 7.

C. Interpretive Notes (Cont.)

- c. The relatively low ranking of a standards and goals implementation act, the setting of conditions by the GJC for LEAA monies, and building a grassroots constituency are noted. This may reflect the complex, drawn-out processes involved in these approaches.
- d. It is noteworthy that responses to this question have a wide deviation in the selection of favored options. All workshops thought an increase in funds was not the answer, but there was less consensus on positive strategies for improvement.

1. Methodological Note On All Tables

Of the 277 attendees to the conference, 253 registered and had identified real-world affiliations, and 133 responded to the balloting on which this section is based.

The basic procedure used in aggregating conference responses was simply to sum the ranks given to each option by the respondents in any desired set (e.g. the whole conference, the Urban Police workshops, etc.). All options left blank by respondents were assumed to have a last place or tie-for-last rating. The resulting scores for each option determine the rankings presented earlier in the tables of this report.

For example, question #1 asks for rankings of seven possible barriers to improvements in the CJS. The sum across all participants of rankings for the seven options were as follows (assuming a last place ranking for blanks), with the resulting ranks of the scored noted.

<u>Option</u>	<u>Aggregate Score</u>	<u>Aggregate Rank</u>
Inadequate legislative base...	401	4
Management...	399	3
Fragmentation...	280	1
Inadequate resources...	441	5
Public indifference...	389	2
Lack of specific objectives...	467	6
Other	866	7

The ranks in the last column correspond to the ones presented earlier in Table 1.

This same procedure was followed for the subsets of respondents in each workshop to determine the remaining columns of Table 2, and all other Tables.

APPENDIX A

Workshop Moderators' Reports

Urban Community Crime Prevention	A-1
Nonurban Community Crime Prevention	A-5
Urban Police	A-9
Nonurban Police	A-11
Urban Courts	A-15
Nonurban Courts	A-19
Urban Corrections	A-22
Nonurban Corrections	A-25

URBAN COMMUNITY CRIME PREVENTION

A. Should Revision of the Criminal Code Be an Element of Community Concern and Action?

1. Decriminalization of certain offenses

Recommendation on page 1-4 should be accepted en toto. Driving while under the influence of alcohol or drugs should be excluded.

2. Consistency of criminal penalties

Relevant Standards on page 1-6 should be accepted with the following modifications:

- a. Paragraph #1. Include local units of government as well as state. Provide for ongoing reevaluation of criminal codes.
- b. Paragraph #2. Add "and other diversion alternatives" to "encourage use of probation".

3. Victim compensation

Recommend to state legislature that a victim compensation law be passed including provisions for personal property loss as well as personal injury.

The legislature, in considering victim compensation, should include financial and social compensation. The objective of which is to leave the victim in the same condition as he or she was before the offense.

"Criminal actions" should be defined to include juvenile offenses for the purpose of victim compensation.

Recommendations should be made to state legislature that information on the availability of victim compensation services be widely disseminated to units of local government and to persons who have the first contact with the victim, i.e., police officers.

4. Role of the minor judiciary

No recommendations.

B. What Is the Community's Responsibility for:

1. Preventing criminal behavior - Decided not to discuss - low priority.
2. Diversion - Relevant Standards, page 1-14.

Accept as given: #1, #3, #4.

Re: #2

- a. Recommend that strong and specific state guidelines and procedures be written regarding police action with juveniles and adults, limiting police discretion.

- b. Recommend that a statewide committee develop a plan for juvenile justice in Pennsylvania. The majority of the committee members should be knowledgeable and interested citizens. *

3. Reintegration and employment of offenders - Relevant Standards 1-17.

Accept all standards but add to list in paragraph #2:

State and local government should be a prime resource for employment of former offenders.

No union can be licensed in Pennsylvania which discriminates against ex-offenders.

No LEAA funding should be given to programs which discriminate against ex-offenders.

The State Human Relations Act should be emended to include ex-offenders.

Review should be made of the justification for removing from people who are incarcerated their political and voting rights for the period of incarceration and thereafter.

State licensing laws be reviewed.

C. How Can Communities Best Implement Their Role in Preventing Criminal Acts and Juvenile Delinquency?

1. Public Awareness; media; community organization - Relevant Standards, page 1-22.

Accept all standards.

Funding should be made available to train people in neighborhood organizational crime prevention. Funding should bypass local units of government, where necessary, and be given directly to the grant applicant. Pennsylvania congressional representatives should be made aware of this resolution.

* Definition of a citizen: To qualify as an appropriate candidate for membership on the policy board (of a committee/planning agency, the citizen should be a person who is not associated, by elected, salaried or appointed means, in an official or professional capacity with an agency or arm of the criminal justice system. Wherever possible, the citizen is to have a state, local or coalition constituency in order that the committee/planning agency may benefit from feedback resulting from such a relationship. In addition, the committee/planning agency should have on the policy board citizens who represent a cross section of the area's/region's/community's socio-economic and racial characteristics.

2. Target hardening - Decided not to discuss - low priority
3. Schools, churches and social agencies roles' - Relevant Standards, page 1-26.

Accept all three standards.

Include community and civic groups with the religious community in #2.

Add: LEAA standards should include crime prevention programs in the elementary school level.

4. Recreation and activity programs - Relevant Standards, page 1-27.

Accept both standards with the following exceptions:

#1 should read: "Recreation is recognized..." and cultural

#2 should read: "Recreation programs shall be created..."

5. Social and physical planning - Relevant Standards, page 1-29.

Accept all standards.

Add: Exclusionary zoning in connection with community-based services should be prohibited by state law.

D. How Can Communities Best Implement Their Role in Intervention, Rehabilitative and Support Programs?

1. Youth services bureaus: pros and cons - Relevant Standards, page 1-33.

Accept all standards but change "may" to "must" in line 2 of paragraph 1, i.e., "The goals must include diversion..."

Youth services bureaus should be state-funded and regulated agencies operating on the county level. The majority of the members of the governing body should be directly from the community.*

A citizen* participation component should be mandatory for all LEAA-funded programs. The recommendation, as amended (deletion of words "where appropriate"), follows:

Citizen* participation component of LEAA-funded Programs

All applications should have a citizen participation component. The objective is to improve the relationship between agencies and the communities they serve by fostering active participation of the citizenry in sharing problem-solving and functions within the elements of the criminal justice system.

To achieve this policy, applications should include a full description of the method of implementation. Specifically, applicants are to identify procedures that actively enlist citizen participation with the projects in their regular operation or identify procedures that incorporate a citizen committee/board to assist in formulating policy, planning and coordinating.

Standard 8.2 - 6.b

Under no circumstances should children be referred to court for behavior that would not bring them before the law if they were adults.

Juveniles should not be detained in jails, lock-ups, or other facilities for adults.

Is accepted by the Committee on Criminal Justice Standards and Goals and the State Legislature should be informed of this action so that they will be aware that Senate Bill 125 is not in compliance with the Committee on Criminal Justice Standards and Goals. This is critical.

Urban Community Crime Prevention Panelists

Moderator - Barbara Fruchter
National Presenter - Kay Heyman
State Presenter - Robert Sobolevitch
Recorders - Nancy van Vuuren, Susan Ferrara

NON-URBAN
COMMUNITY CRIME PREVENTION

A. Should Revision of the Criminal Code Be an Element of Community Concern and Action?

1. Decriminalization of certain offenses

Existing laws regarding criminal records to include penalty for breach of confidentiality with serious consideration given to the expunction, sealing or destruction of juvenile records when youth reaches age 18 (both police and court records to be included).

Four recommendations on decriminalization by Commission to be ratified with the assumption that viable alternatives and back-up resources be made available. (Page I-4)

2. Consistency of criminal penalties

Deep concern that consistency of penalties may make more difficult individualized help for offenders.

Judges, parole and pardon boards all to be required to provide written reasons for sentences or granting or refusing pardon and parole.

Urge the abolition of minimum sentences. Judge to set maximum only. Parole board only may decide minimum sentence. Qualification of parole board members to be upgraded concurrent with the increased responsibility. It is likely that such abolition of minimum sentences will also result in no longer needing pardon board.

Parole board to be in consultation with sentencing court before deciding on parole.

B. What Is the Community's Responsibility for:

1. Prevention criminal behavior

Concern expressed that a youth has to get into trouble before help is available.

Local government should allocate on an annual basis, resources for programs to prevent crime and delinquency. It should also be considered a state legislative priority to appropriate funds through appropriate state agencies to underwrite the costs of community prevention. (Reference: youth services bureaus).

Communities should facilitate the availability of all services for children and youth regardless of departmental or budget regulations (Specific reference: active collaboration between justice and welfare systems).

2. Diverting entrance to the criminal justice system

Diversion must be to something for some specific purpose.

It should be the responsibility of the community to educate police and local officials about the availability of diversion services and their appropriate use.

3. Support services for probationers

It is the responsibility of communities to provide a variety of services including social and rehabilitative services to assist ex-offenders in community reintegration. It is recommended that parole regulations be reviewed to eliminate those that may block effective reintegration.

4. Reintegration and employment of offenders

Also approved the 11 recommendations of the National Commission with respect to reintegration and employment. (Page I-17)

Present legislation pertaining to ex-offenders should be reviewed with special reference to barriers to employment and housing.

C. How Can Communities Best Implement Their Role in Preventing Criminal Acts and Juvenile Delinquency?

All five recommendations from the National Commission with special emphasis on #1 and #5 (Page I-22).

3. The role of the schools, churches and social agencies

Schools, churches and social agencies should be more open and responsive to community needs (Special Reference: to encouraging volunteerism).

Officials at all levels of the justice system should actively encourage the participation of the community.

Teachers and church personnel should avail themselves of the opportunity for training to deal with troubled youth. Also recommended that such training be available in teacher education programs.

Schools and churches and other community organizations should offer their services and facilities for use in crime and delinquency prevention, and the retention of tax-exempt status should be dependent upon such offering.

Schools should offer explicitly law-related curriculum.

Secondary schools should offer courses in parenting, sex education and family living.

If communities are to develop crime prevention potential, human service professionals must be willing to accept roles of leadership within their communities.

Human service professionals should be encouraged to volunteer their services above and beyond the requirements of their jobs.

4. Recreation and activity programs

Recreation should not be relegated to a peripheral role in crime prevention. Recreation programs should be created or expanded to serve the total youth community, with particular attention devoted to special needs arising from poor family relationships, school failure, limited opportunities and strong social pressures to participate in gang behavior.

5. Social and physical planning

It is recommended that state and federal agencies promote both inter- and intra- agency coordination with regard to regulations, zoning and monitoring.

That appropriate state agency funds be made available for the continual evaluation of both childrens' and adults' criminal justice programs by independent evaluators.

D. How Can Communities Best Implement Their Role in Intervention, Rehabilitative and Support Programs?

Youth Service Bureaus should be established to focus on the special problems of youth in the community. Priorities should be locally set on the basis of careful analysis and systematic inventory of existing services and service gaps. Youth services bureaus should have measurable objectives and be marked by on-going evaluative research.

That referrals to youth services bureaus be completed only if voluntarily accepted by the youth.

That all records of the youth services bureaus be confidential and shared with other agencies, etc., only with the consent of the youth.

That funding for youth services bureaus be provided in a reasonably secure and continuous manner so that the politics and requirements of funding do not complicate either the delivery of effective services nor the bureau's ability to effectively advocate the proper treatment of youth.

Community Treatment That maximum consideration be given to the attitudes of the neighborhood in planning community treatment. That community education be a priority matter to facilitate acceptance of community-based treatment programs.

That community treatment be used whenever possible for non-dangerous offenders, both juvenile and adult, in their own homes or in other community settings.

That community treatment programs be periodically reviewed and evaluated on the basis of measurable objectives and accomplishments.

Panel Recommendations

That a committee or some appropriate mechanism be set up to assure follow-up to the conference findings and recommendations.

Group Recommendations

Any national standards and goals not contained in the syllabus nor specifically discussed at the conference not be assumed approved nor disapproved by the conference.

Non-Urban Community Crime Prevention Panelists

Moderator - Mary T. Denman
National Presenter - Kenneth D. Hines
State Presenter - Herman E. Stenger
Recorder - Nancy Prindle

URBAN POLICE

Our work group spent a good deal of time on the issue of decriminalization of drunkenness. The consensus was that public drunkenness should be decriminalized and the police should get out of the "drunk business." This function should be assigned to another agency. It was pointed out that the County Mental Health and Mental Retardation Agency might perform this function, although other options are available. Although some concern was expressed for protection of the rights of these individuals, most agreed that other agencies should have the responsibility for drunkenness and police agencies should continue their present role until other agencies have viable programs.

The workshop then addressed the question of the police role in preventing criminal behavior. The work group agreed that every law enforcement agency should actively work with and encourage members of the community to participate in programs of crime prevention and crime protection. Some concern was registered for the control of such programs and their real impact on crime prevention. However, the conclusion reached was that a better developed interface should be created between urban law enforcement agencies and the public.

The next topic area discussed was the police role and interest in developing supportive community relations. It was agreed that cooperation and understanding between the police and the community was an important first step in developing supportive community relations. Concern was registered for adequate selection procedures and training programs for the officers. Also of concern was the availability of adequate resources to perform this function effectively. However, the conclusion reached was that urban police agencies should be encouraged to actively engage in such programs.

The question of support by elected officials was the next topic. The question of how much authority the police executive should exercise over his agency personnel was discussed without agreement. Various forms of accountability of the police executive were discussed. Among these were the chief responsible to the political executive, the chief responsible to a commission and, finally, a written contract.

Data collection of offender criminal histories was viewed as a most important issue. The question of how much information should be stored on any given individual was left unresolved. However, specific reference was made to the necessity for establishing procedures to expunge offense records which prove at any point to be unfounded. The group agreed that control and access to such information should be strictly controlled in order to protect the individual's right to privacy.

The question of recruitment and selection of police officers raised a number of important issues. It was agreed that the instrument used for selection of recruits should be an objective one which excludes any biases based on ethnic or social background. Therefore, artificial or arbitrary

factors -- cultural or institutional -- should not be used to discourage qualified individuals from being employed as police officers.

It was further agreed that every police agency should actively engage in positive efforts to employ ethnic minority group members and women.

Salaries of police should be based on education and performance. Study by police personnel at institutions of higher learning should be voluntary and encouraged.

Finally, with reference to internal discipline policies and practices, the group agreed that the chief executive of the law enforcement agency should actively pursue measures which would promote the discipline and accountability essential to the integrity of any good police agency.

The group addressed some of the most fundamental questions facing the urban law enforcement agencies today. The resulting exchange of views was most productive -- leading to an increased familiarity with the National Advisory Commission and the American Bar Association reports on police standards and goals.

It was recommended that regional meetings be convened in the near future at appropriate sites throughout the Commonwealth to further discuss the application of the National Advisory Commission and American Bar Association standards to Commonwealth agencies.

Urban Police Panelists

Moderator - C. Donald Engle
National Presenter - Ian Lennox
State Presenter - Robert E. Colville
Recorder - Earl F. Warren

NON-URBAN POLICE

Report Background

There were 26 persons assigned to the non-urban police workshop in order to discuss and arrive at priorities and conclusions about the National Criminal Justice System Standards and Goals as they apply to Pennsylvania implementation.

As moderator I would like to express my appreciation and gratitude to the Pennsylvania Committee for Criminal Justice Standards and Goals and to the national and state presenters as well as to all in attendance for their participation, interest and intelligent approach to a most necessary and yet most difficult topic.

Workshop Format

Although we began on a point-by-point discussion of the standards and goals as outlined by the Federal Commission, it soon became apparent that we would have to become much more generally fundamental on the issues. The non-urban police question could only be intelligently discussed once definite steps were taken in the direction of total reorganization as an operational function before any of the specific standards and goals functions could be implemented. Therefore, the following priorities were strictly set down by the workshop members according to order in which this entire matter of non-urban police reform must be dealt with. Our conclusions are as follows....

Priorities and Conclusions

I. Topic: Police Consolidation

The workshop members were unanimously in favor of the National Commission recommendation of all police departments consisting of no less than 10 members. However, since this issue, as far as implementation is concerned, is of such importance, it was concluded that a very careful plan should be devised for implementation. The vast majority of suggested standards and goals are not possible unless such a consolidation process be completed. The workshop members therefore decided that a special committee should be established immediately and given one full year to complete their assignment. This committee should be composed of one member each of the Committee on Standards and Goals, Governor's Justice Commission, Department of Community Affairs, Pennsylvania Chiefs of Police Association, and the State Police. This committee should go into each county throughout the Commonwealth and make a complete study of the best method of implementing the 10-man minimum as it pertains to the region visited. This committee should meet with county planning commissions, county leaders, all chiefs of police in the area and as many police personnel as possible. Workshop members decided that consolidation would take many different forms depending on the peculiarities of each area. Some suggested forms mentioned were:

Mutual Cooperation, Actual Consolidation according to county region, Magisterial Districts, or Several Counties. The specific method would depend on the county-by-county survey by the recommended committee. This was the first priority of the workshop.

II. Topic: Training

The workshop members were extremely pleased with the fact that minimum training had become a reality during our workshop deliberation. However, the members immediately moved forward on the issue of training. Our second priority recommendation is to establish a mandatory 40-hour-per-year minimum INSERVICE TRAINING PROGRAM FOR ALL POLICE PERSONNEL IN THE COMMONWEALTH FROM THE LOWEST RANKED PATROL OFFICER UP TO AND INCLUDING THE CHIEF. Such training should be provided on a regular basis throughout the year in the most convenient facility available in order to allow as many departments as possible to attend relatively close to their municipalities.

III. Topic: Personnel Qualifications

Under this somewhat broad topic, the workshop members set as their third priority the principles that there must be established mandatory minimum qualifications for all police personnel. These qualifications would be set for all levels of manpower from entrance up to and including the chief of each department. As an addition to this principle, it was also decided that uniform methods of PROMOTION BY MERIT and proper testing be established for all levels of police ranks and appointments. Demonstrated ability must be measured for positions of supervision and administration.

IV. Topic: Police Accountability to Politics

Workshop members agreed that political accountability of the police should be resolved solely at the executive level. The police chief should be responsible to only one executive and not to minor officials. These officials should bring their suggestions and questions about law enforcement problems to the attention of the political executive designated. If he considers the matter appropriate for political action it should be his responsibility and his alone to communicate it to the chief of police.

V. Topic: Consistency of Criminal Penalties

Non-urban police workshop members discussed the issue of consistency of criminal penalties as indicated in the standards and goals recommendations. It was agreed by a majority vote that a mandatory minimum sentencing practice be established for felonies against the person. A second vote was taken on the issue of reducing the discretionary power of judges regarding the wide range of sentences imposed and that these ranges should be reduced. The group was split almost 50-50% on this issue. There was a simple majority in favor of judges being held responsible to some outside-the-judiciary-agency for sentencing practices.

VI. Topic: Decriminalization of Certain Offenses

Our sixth priority dealt with this issue and votes went accordingly:

- A. Should the State have an ongoing commission to up-date existing laws and make other criminal code revisions? (Majority-yes)
- B. Should prostitution be decriminalized? (Slight majority- no)
- C. Police to continue enforcement of the prostitution laws. (Majority-yes)
- D. Should another agency enforce the prostitution law? (Majority- no)
- E. Legalize off-track gambling and bingo? (Majority-yes)
- F. Police continue to enforce laws against gambling, should they not be decriminalized? (Majority-yes)
- G. Police should not become involved in public intoxication cases. (Problem: referral sources not available.) (Majority-yes)

VII. Topic: Police Procedures

It was strongly recommended that each police chief must develop written procedures that define the specific role of the patrol officer and other personnel and establish operational objectives and priorities. It was felt that such a mandatory directive would help eliminate non-police functions from the various departments, so that police could do police work.

VIII. Topic: Victim Compensation

In discussing this area, the workshop members unanimously agreed that victim compensation of some type should become a reality, but we did not believe that this field was within our scope of expertise and therefore the exact form of victim compensation should be developed by persons with more knowledge of this subject.

IX. Topic: Role of the Minor Judiciary

There was just one motion discussed in this area and there was a majority vote to the effect that we believe that there should be a mandatory regulation for minimum professional standards and qualifications for all members of the minor judiciary.

Addendum

We would like to point out that two very important topics were not left out although they do not appear in our priorities: CITIZEN PARTICI-

PATION and CRIME PREVENTION PROGRAMS. We discussed these areas at various times throughout our workshop. However, it was decided that specific recommendations on these topics would be premature unless some of these aforementioned priorities were made realities. This would be especially true of priority number I. Unless some significant changes are forthcoming in this area of police operations, there are virtually few opportunities for meaningful citizen participation and crime prevention programs. Right now for the most part, non-urban police departments are of necessity reduced to attempting the bare essentials of law enforcement. Extension of the police function into citizen participation and crime prevention programs will become possible only after fundamental changes are made, such as those listed in our report, especially, as mentioned, number I.

Non-Urban Police Panelists

Moderator - Gerard Fulcher
National Presenter - Fred Wegener
State Presenter - Richard Tracy
Recorder - William Patterson

URBAN COURTS

A.1. Decriminalization

The workshop unanimously agreed that "an appropriate committee of persons from the Standards and Goals group should confer with legislative committees and other groups to study and consider the decriminalization of certain crimes, including, but not limited to: drunkenness, vagrancy, prostitution, gambling, consenting sexual acts, obscenity and use of marijuana. Where indicated, viable alternative programs should be developed. They further recommend the removal of status offenses for juveniles from the criminal justice system and dealing with these in a viable alternative setting. (Both unanimously approved.)

Many offenders apprehended for "crimes without complainants" are screened by prosecutors at preliminary hearings; this is common in some jurisdictions, less so in others.

A.2. Consistency and A.4. Uniformity

The greatest diversity in sentences occurs in those crimes toward which there is wide variation in the public's attitude ("victimless crime"). Thus, resolution of point A.1. will greatly reduce variation in sentences.

The great differences between "consistency" and "uniformity" was pointed out; agreement by the group was reached that the sentence should fit the offender rather than the offense.

In order to adequately sentence both juvenile and adult offenders, judges must be cognizant of the existence and the adequacy of all alternatives to incarceration. The formalization of a process to keep judges informed and constantly up-to-date on all such programs is strongly recommended. In the few areas in the Commonwealth in which such information is gathered, the material is usually obsolete by the time it reaches the judiciary.

No consensus was reached on the desirability of the appellate review of sentences. It was pointed out that "voluntary" consulting arrangements between judges prior to sentencing, even where authorized and encouraged by the presiding judge, had not been used by the judges.

Strong support was voiced for Senate Bill 500, dealing with sentencing alternatives. The workshop recommends formal endorsement of the Bill by the entire group.

A.3. Compensation of victims

Unanimous support was given for Senate Bill 1523, concerning compensation to victims of crime for medical expenses, days lost from work and other non-property losses.

There was a discussion of the practical problems and procedures of implementing restitution measures for indigent persons who were convicted of crimes involving victim compensation.

A.5. State court administration

A resolution to commend the legislature and the Supreme Court for its advances in court administration was approved (not unanimously).

A.6. Minor judiciary

Unanimous agreement was reached that the minor judiciary should be thoroughly trained, although there was a division over whether these judges should be required to be members of the bar. Attorneys would be cognizant of rules of evidence and thus screen "bad cases." Others felt that the chief role of the minor judiciary was to prevent pettifoggery.

Traffic offenses should be handled administratively and removed from the court system.

B.2. Screening and diversion

Screening by the prosecution of "bad cases" and de minimis offenses was strongly encouraged.

No consensus was reached on requiring all jurisdictions to adopt R.O.R./bail programs, since it was hoped that the corrections groups would resolve this. It was agreed that the integration of programs including R.O.R., 10 percent bail, A.R.D., Defender and probation programs would be highly desirable. Computerization of court records was seen to facilitate this integration.

It was generally agreed that decisions on both screening and diversion were correctly the function of the prosecution.

B.4. Court-community relations

Expansion, refinement and coordination of community-based programs and agencies (such as the Pennsylvania Program for Women and Girl Offenders) with the courts would greatly benefit all.

C.1. Court administration and C.7. Training

The State Supreme Court should set standards (including taking the initiative more often in enforcement rather than simply reacting to complaints) in:

- a. Court personnel and training
- b. Uniformity of action
- c. Court administration

C.2. and C.3. Calendaring and records

The need for accurate, standardized and efficient record-keeping was agreed upon. Computers were viewed as a useful tool in obtaining this goal.

C.4. District attorneys and public defenders

By unanimous vote, the group endorsed:

- a. All district attorneys and public defenders, as well as their assistants, should be employed full-time.
- b. Their salaries should be adequate, comparable to those of the private bar.
- c. Both should have adequate investigative and supporting staffs.
- d. Public defenders should be appointed for terms of four years.

C.5. Selection, tenure and retirement of judges

A merit selection system for all judges was strongly endorsed. The British system of training and selecting solicitors, barristers and judges was commended. The current preparation of students for courtroom work by the law schools was deplored. Post-election training for judges at all levels was supported.

The State Supreme Court should establish a merit selection system for all court employees. Implementation by any local body is otherwise politically infeasible.

C.6. Pre-trial hearings

Pre-trial hearings should be held within 10 days following arrest.

D.1. Plea bargaining

The group was evenly divided on the need for plea bargaining.

D.4. Post-conviction alternatives

The group urged legislative review and further study of:

- a. A one-step judicial review process
- b. Utilization of a set of attorneys, acting as agents of the court who would review all cases on appeal and check the records carefully for error, regardless of whether such points had been raised by the appellant.

OVERALL RECOMMENDATION

"The various task forces should be kept intact to assist the Committee in effecting the work of this meeting and for future consultation."

Urban Courts Panelists

Moderator - LeRoy Zimmerman
National Presenter - Walter Cohen
State Presenter - Judge D. Donald Jamieson
Recorder - Steve Whitaker

NON-URBAN COURTS

There is a definite need for discussion of standards and goals by practitioners and citizens concerned with the criminal justice system. The group believes the effort in which we are engaged here is most worthwhile.

We were unable to discuss all the assigned topics but those the group felt most important were covered and a consensus called for. From those discussions the group arrived at the following recommendations which are classed according to priority. No effort was made to rank recommendations within a group.

Group I

- A.1. Decriminalization
 - a. Alternative methods of dealing with victimless crimes should be investigated.
 - b. When victimless crimes are deemed suitable for the criminal justice system, they should be uniformly applied.
 - c. Promoting court efficiency should not be a consideration in decriminalization.
 - d. Vagrancy and public drunkenness should not be classed as criminal acts.
- A.5. Role and function of state court administration
 - a. The State should:
 - 1. Finance court administration in all counties which desire it.
 - 2. Establish a salary scale for court administrators which would be paid by the State.
- A.6. Role of minor judiciary
 - a. District justices should be extensively trained in the law but not necessarily admitted to practice before the bar.
 - b. Salaries for district justices should be increased to attract high caliber personnel consistent with new training requirements.
 - c. District justice candidates should be selected by a nominating commission in a manner similar to that used for selection of judges.

C.3. Records and information systems

- a. Within three years of the final design of a statewide comprehensive data system (CDS), each county should possess a computerized data system or be tied into the CDS via terminal.
- b. Every data system should be developed to be compatible with the CDS with respect to the types of information collected and the reports generated for use by the State.

C.5. Selection, tenure and retirement of judges

There should be a merit selection of judges. Selection and retention should be on a non-political basis.

D.5. Review and appeal procedures and processes

Each defendant should be limited to one appeal which should not be limited by technical objections made at time of trial.

Group II

A.3. Victim compensation

- a. Victims should be compensated for losses due to criminal acts, including both personal and property offenses and including unlawful acts by law enforcement agencies for that amount in excess of \$100.00.
- b. Compensation should not be based upon demonstrated need.

A.4. Uniform sentencing procedures

- a. In the future, minimum sentences should not be compulsory but there should be a mandatory review of sentences by the appropriate administrative agency.
- b. Standards should be set for the types of information included in pre-sentence reports.

B.4. Establishing sound court-community relationships

Fees paid to jurors and witnesses should be consistent with federal court standards.

Group III

B.1. Assisting in the design and support of prevention programs and services

The court is not equipped to set up or operate alcohol and drug programs but should use existing agencies or recommend establishment of such agencies.

CONTINUED

1 OF 2

B.2. Establishing procedures for diverting offenders from full court processing

Accelerated Rehabilitative Disposition (ARD) programs should be encouraged. The Supreme Court of Pennsylvania should enact regulations providing for the uniform application of this program (especially in drunk driving cases).

D.1. The negotiated plea

Open plea bargaining should be permitted provided it is done in a fair and even-handed way.

Non-Urban Courts Panelists

Moderator - Judge John Q. Stranahan
National Presenter - George W. Shirley
State Presenter - Clifford Kirsch
Recorder - Rich Morelli

URBAN CORRECTIONS

The group was a diverse one including a judge, ex-offenders, state and county correctional employees from both institutional and field services, both juvenile and adult. It also included interested citizens and representatives of private agencies. The group members' knowledge of standards and goals varied widely as did their experience. It seemed desirable, therefore, that the national and state presenters review the standards and goals process from its inception over two years ago to the present.

The participants, however, were eager, action-oriented and anxious to become involved. As a result, the process quickly shifted from the didactic to the participatory. Needless to say, the resulting dialogue was varied, uneven, sometimes unfocused and occasionally tangential to the specific standards that were before us. It was a vital prologue, however, to the meaningful and quite specific discussions which were to evolve.

We found it necessary to define some of the implicit and explicit concepts suggested by the standards.

What is a community?

What is the purpose or purposes of corrections -- to punish, to rehabilitate, to deter, to reintegrate, to quarantine?

Should services to the pre-tried be "correctional"?

When, if at all, is discretion an appropriate part of the criminal justice process? (One hardy person even suggested that there should be absolutely no discretion. Then, the resulting chaos would guarantee change.)

What is the modal (or modals) that the standards and goals embrace -- the medical, the health, the legal, the public health, all, none, others?

In short, nearly two score people who were meeting together for the first time rushed toward a series of definitions that would enable them to tackle the specific issues presented by the standards, especially those pertinent to this Commonwealth.

No attempt was made to present or discuss all 159 standards recommended in the volume on corrections. We dealt definitively only with the following:

(1) The Overreach of the Correctional Effort

The group reached easy consensus that demands are placed upon the correctional system which are inappropriate. Crimes without complainants such as vice, consensual sex and drunkenness should be excluded from the criminal justice system, and hence from the correctional process. "Status offenses" should not subject children to the juvenile justice system.

(2) The Development and Use of Alternatives to Confinement

We were in agreement with the Commission's view that the basic assumption should be that the least drastic sanction should be considered first, and that the State should bear the burden of proving the necessity

of utilizing any progressively more drastic sanctions. In short, confinement should be the final alternative and not the basic disposition.

In reaching this conclusion, the group emphasized that the potential of known and unknown alternatives had not nearly been reached for either the untried or sentenced offender.

(3) Citizen Participation

It was the view of the group that the potential contributions of members of various publics to the correctional system has never been truly tapped. Citizens are "used" not "involved." We agreed, therefore, that the standards on increasing citizen involvement were particularly relevant and should be implemented.

(4) Unification of Correctional Services

The correctional system in Pennsylvania was described by one participant as a "house divided." The Commission recognized this fragmentation as a situation common to many jurisdictions and recommended the establishment of a cabinet level department of corrections responsible, at the state level, for the entire spectrum of correctional services. The implications of this standard for Pennsylvania are so diverse and important that the standard was discussed (and voted upon) in segments.

(a) Should both Juvenile and Adult Services be placed within such a department of corrections?

A plurality of the workshop members endorsed this proposition. However, a significant number could not reach a decision. We, therefore, present no definitive recommendation on this issue.

(b) Should field services now operated by the Board of Probation and Parole be placed under the unified Department of Corrections, thus leaving the Board with a more limited quasi-judicial function?

An overwhelming majority of the workshop members endorsed this proposition.

(c) Should probation services now assigned to the judiciary be transferred to the executive branch of government?

An overwhelming majority endorsed this proposition.

(d) Should probation services be assigned to the unified State Department of Corrections?

A plurality of the workshop members endorsed this proposition, but a substantial number of participants remain undecided. We, therefore, present no definitive recommendation on this standard.

(e) Should the operation of jails be transferred to a unified State Department of Corrections?

A substantial majority endorsed this proposition.

(f) Should a cabinet level State Department of Corrections be created?

This proposition achieved virtual unanimity.

(g) Should there be a moratorium on the construction of more state and county institutions for adults for the next 10 years except when total system planning shows that the need for them is imperative?

This proposition was passed without a dissenting vote.

(h) Should there be a moratorium on construction of more state and county institutions for juveniles; should present state and county institutions for juveniles be phased out over a five-year period?

A slight plurality voted in favor of this proposition with a substantial number of members abstaining.

(i) Should it be state policy not to provide public financial support to private juvenile institutions beyond a five-year period?

This proposition passed with several abstentions.

Urban Corrections Panelists

Moderator - William G. Nagel
National Presenter - Kay Harris
State Presenter - Jack Sternbach
Recorder - John Baer

NON-URBAN CORRECTIONS

1) With reference to decriminalization, the group agreed that while there was much to support the notion, there were also many blockages which had to be dealt with if society and the "offender" were to be properly served.

For example, if a particular offense was dealt with in a non-criminal fashion but the problem individual did not have alternative resources to serve him in the community, the consequences could be severely injurious to him. Therefore, it was the consensus that for decriminalization to work effectively, there has to be a well-developed interface between the administration of justice system and the rest of the human services area which should be available to pick up on such persons in need of constructive activity.

2) There was a general consensus that the administration of justice system is being overused for persons who might ordinarily be diverted to non-criminal justice services. However, the rural areas do not have adequate resources for diversion, and to specify the requirement for diversion will only lead to the denial of any service at all to those who might at least get care and shelter from the correctional system.

3) The individual should not be placed into an alternative disposition program when he is not guilty of the act for which he is accused. There was fear expressed that alternative disposition programs could easily become a part of cheap plea bargaining, which would ultimately work to the disadvantage of the powerless, and more particularly, those who must use public defenders as counsel.

4) The group expressed concern about the development of uniform criteria to differentiate between those who should be diverted out of and those who should be retained within criminal justice.

5) There was expressed a general dissatisfaction with the notion of "first offender," and other types of labelling since these are somewhat meaningless definitions. We propose evaluative tools which differentiate the middle range risk individual.

6) The police carry out important diversionary roles in relation to their use of discretion. Some feeling was expressed that "discretion" ought to be systematized so that it works equitably for everyone.

7) There was some discussion relative to the assignment of responsibility for diversionary cases. If the criminal justice system will not maintain contact and "control," who will? If the criminal justice system maintains control, is it really diversion?

8) There was very strong feeling expressed relative to the bricks and mortar aspects of county jails. It was pointed out that most jails are over a

century old, in need of major repair in order to maintain minimum levels of health, sanitation and safety. There is no likelihood that these facilities will be replaced in the foreseeable future, and the need for confinement of some individuals will remain. Therefore, the group agreed that the current policy of either a moratorium on construction or repair should be ignored with reference to county jails.

9) The consensus was that the standard on classification was difficult to apply to county jails since in most instances the decision was really to place in the "downstairs" or "upstairs" cellblock. Moreover, there was expressed a general dissatisfaction with classification schemes generally, since they really do not delineate between people and are based on a "sick person" model which was rejected by this group.

10) An extended discussion of the standard which stated that probation services should be placed under the executive branch was rejected. It was strongly felt that, given the political state of county government, corrections would be at the mercy of unresponsive commissioners. It was agreed that the judiciary had more "clout" in gaining support for the needs of corrections.

11) The group raised a strong protest against the implementation of an uncontrolled computer-based criminal justice information system using personal history materials from corrections. There was a recurrent theme of fear of a 1984 "Big Brother" consequence of such a record system, the question of legitimate access, and of system purging. The group was willing to accept a statistical input system which would be usable in planning for system needs, etc.

12) The issue of state vs. local control of corrections was discussed at length. The group recognized the contradiction in the standards which on the one hand opted for community-based and locally-involved correctional services and on the other hand opted for centralization. The general feeling was that a centrally controlled system with uniform standards could not respond effectively to the idiosyncratic nature of local situations and cultures. There was a strong feeling on behalf of the group that the State should provide subsidies to encourage maintenance of minimum state-developed standards, and that sanctions should be imposed upon county governments if they fail to comply.

Non-Urban Corrections Panelists

Moderator - Charles Newman
National Presenter - Billy L. Wayson
State Presenter - Warden Harry Wilson
Recorder - Parker Davis

END