

Tennessee Criminal Justice Standards and Goals Project

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EXECUTIVE SUMMARY

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## PREFACE

This volume is one of eight reports adopted by the Tennessee Law Enforcement Planning Commission as goals and objectives for the criminal justice system in Tennessee. The development of the goals and objectives herein resulted from the award of Law Enforcement Assistance Administration (LEAA) discretionary funds to the Tennessee Law Enforcement Planning Commission. The Commission utilized the services of Midwest Research Institute, Kansas City, Missouri, for the coordination and operation of the goals and objectives effort.

The opinions and recommendations in this report are those of criminal justice practitioners and citizens of Tennessee. As goals and objectives are implemented, experience will dictate that some be upgraded, some modified, and perhaps some discarded. Practitioners and citizens will contribute to the process as the goals and objectives are tested in the field.

It is the hope of the Tennessee Law Enforcement Planning Commission that these goals and objectives will become an integral part of criminal justice planning throughout Tennessee and be utilized as a guideline for future program implementation.

TABLE OF CONTENTS

	<u>Page</u>
Background . . . . .	1
Description of Tennessee Criminal Justice Standards and Goals Project. . . . .	3
Summary of Implementation Reports. . . . .	5
Law Enforcement . . . . .	5
Courts. . . . .	9
Juvenile Justice. . . . .	15
Corrections . . . . .	20
Criminal Justice Information and Statistics Systems . . . . .	23
Appendix	
Members of the Tennessee Law Enforcement Planning Commission. . . . .	26
Members of the Tennessee Criminal Justice Standards and Goals Project Advisory Committee. . . . .	26
Members of the Tennessee Criminal Justice Standards and Goals Project Task Groups . . . . .	27
Members of the Tennessee Criminal Justice Standards and Goals Project Panel . . . . .	40

## BACKGROUND

In 1968 the U.S. Congress adopted the Omnibus Crime Control and Safe Streets Act as a first step towards attacking the problem of increasing crime in America. Crime was to be combatted in two major ways: (1) through comprehensive planning on the state level intended to improve the effectiveness and efficiency of state and local criminal justice agencies; and (2) through federal financial assistance to state and local agencies to help them to execute their plans.

In order to carry out both the planning and funding aspects of the attack on crime, new institutional mechanisms were established. The federal government organized the Law Enforcement Assistance Administration (LEAA) in the Department of Justice to act as the chief federal agency in this effort, and each of the states and territories established a State Planning Agency (SPA). The SPA's were given the job of developing annual comprehensive plans for the criminal justice systems in their states and the responsibility for disbursing LEAA funds to agencies within the states.

The Tennessee SPA is the Tennessee Law Enforcement Planning Agency (TLEPA) which operates under the guidance and direction of the Tennessee Law Enforcement Planning Commission (TLEPC). The members of the Commission are criminal justice professionals and concerned citizens from around the state who are appointed by the governor and give of their time and knowledge in order to assist the TLEPA in its task of improving the Tennessee criminal justice system.

Within a few years after the adoption of the Omnibus Crime Control Bill, criticisms began to be directed at Congress, LEAA and the planning agencies in the states. The basic criticism was that only one of the two anticipated methods for improving criminal justice agencies was being given much attention, the disbursement of funds. Less time and attention was going to developing high quality criminal justice planning. While money is certainly needed to carry out many improvements in the system, the amount available is limited. Plans are of no use without the money to execute them, but, it was argued, the most value for each dollar spent can be obtained only through comprehensive planning which relates expenditures to specific goals that the state is trying to achieve.

LEAA recognized the validity of some of this criticism, and in order to improve the quality of criminal justice planning, the Administrator of LEAA appointed the National Advisory Commission on Criminal Justice Standards and Goals (NAC) in October 1971. The task given to the Commission was to develop standards and goals that could serve as models to be considered by the states. The standards developed by the Commission could be used as guidelines to assist individual states in determining the level of performance and types of service that they should be able to

expect from their criminal justice agencies. In its work, however, the Commission did not concern itself solely with those agencies traditionally thought of as part of the criminal justice system: police, courts and corrections. It took the position that the activities of many government and private agencies outside the criminal justice system affects the level of crime and the ability of criminal justice agencies to deal with the crime problem. The Commission consequently developed additional recommendations for action by social agencies, by governmental agencies not usually thought of as involved in criminal justice, and by citizens. It did so in the belief that only if all of these groups cooperate with law enforcement, judicial and correctional agencies will the fight against crime be truly effective. The work of the Commission resulted in the publication of five volumes of standards and recommendations: Community Crime Prevention, Criminal Justice System, Police, Courts, and Corrections.

The purpose of the work of the National Advisory Commission was to assist the states in improving their criminal justice planning. In order to direct more attention to planning, the U.S. Congress mandated, through the Crime Control Act of 1973, that each state address the need for state-wide criminal justice standards. LEAA did not require the states to adopt the standards recommended by the National Advisory Commission but did ask that those standards be reviewed and considered by each state. What was required was that each state adopt standards that it regarded as suitable and feasible for itself and that those standards be integrated into the planning efforts of the SPA's. In that way future annual plans and funding priorities could be aimed at achieving the standards that the state had adopted. LEAA believes that the adoption of specific standards and goals, in contrast to principles and generalizations, will enable professionals and the public to know where the system is heading, what it is trying to achieve, and what in fact it is achieving. Standards can be used to focus essential institutional and public pressure on the improvement of the entire criminal justice system.

The job of developing comprehensive standards for the Tennessee criminal justice system was a large one. After reviewing the other demands made on the personnel of the Law Enforcement Planning Agency, the Law Enforcement Planning Commission decided to expand the resources available to the TLEPA for this effort by contracting for additional staff to develop and carry out the day-to-day work of the project. After a process of competitive bidding, the contract for these services was awarded to the Midwest Research Institute of Kansas City, Missouri. The funds necessary for the execution of the project were provided to TLEPA by LEAA from special funds available solely to assist the states in developing standards and goals.

## DESCRIPTION OF THE TENNESSEE CRIMINAL JUSTICE STANDARDS AND GOALS PROJECT

The major purpose of the Tennessee Criminal Justice Standards and Goals Project was to establish general goals and specific objectives for the Tennessee criminal justice system as a part of an overall effort to reduce crime. To accomplish this, the project was divided into three phases.

The first phase involved a review of the recommendations of, not only the National Advisory Commission on Criminal Justice Standards and Goals, but of other groups such as the American Bar Association and the American Wardens' Association to mention just two. These recommendations were divided into 20 groups of related proposals dealing with particular aspects of the criminal justice system, for instance, crime detection, criminal justice information systems, conditions in penal institutions, trial court proceedings, and so forth. A panel of over 500 criminal justice professionals and citizens from throughout Tennessee was then formed to assist in reviewing the various national recommendations. The panelists were sent questionnaires, each dealing with a particular set of problems and recommended solutions, and were asked to review the recommendations in the light of their knowledge of the problems and needs of Tennessee. Panelists were selected to review particular proposals on the basis of their own specialized background and the areas of interest and knowledge of criminal justice that they indicated when filling out a background questionnaire. In addition to evaluating existing national recommendations, they were asked to suggest new ideas and to make recommendations for any problems they felt were not addressed in the national proposals. A total of over 800 questionnaires were answered by the members of the panel. Their answers were collected and analyzed and their written comments were read, recorded and filed for further use in later stages of the project.

At the same time that the survey of the panelists was being conducted, the project staff engaged in research on various problems relevant to the proposed standards and goals, including: (1) an overview of state crime problems and trends and a projection of crime rates to 1980; (2) an analysis of fiscal and manpower resources allocated to various segments of the state criminal justice system; (3) structural, staffing, workload and similar characteristics of the current system; (4) anticipated effects of projected crime trends on future workloads and resource requirements; (5) collection and analysis of data relevant to specific standards and goals; and (6) legal research to determine the status under Tennessee law of the various proposals being reviewed.

The result of the first phase of the project was a tentative program of goals and objectives for Tennessee based on the evaluation of the national proposals by the 500 member panel, additions to or modifications of those proposals suggested by panel members, and relevant information from the background research.

The second phase of the project centered on a series of task force meetings held in each of Tennessee's nine development districts. A total of 23 meetings was held, each one focusing on a particular part of the criminal justice system. Small groups consisting of criminal justice system professionals, representatives of related public organizations and concerned citizens--each with a background applicable to the particular problems under consideration--participated in each meeting. The task groups reviewed, evaluated and further modified the key proposals that were produced in the first phase of the project. By holding a large number of meetings throughout the state, it was possible to obtain, not only a general review of the proposals, but an evaluation of their applicability to the particular problems and needs of each geographical area of the state, of metropolitan areas, and of rural areas.

The result of the second phase of the project was a more refined set of proposed goals and objectives.

The third and final phase of the project was the prioritization of recommended objectives by the TLEPC and the preparation of the project reports. The purpose of the prioritization process was to establish a clear, long-range direction for criminal justice planning in the state and to set certain minimum standards for each area of the criminal justice system. The Commission accomplished those ends by reviewing and assigning priorities to specific objectives. Each objective was also assigned a date by which it should be accomplished. For each area of the criminal justice system, there were some objectives that were assigned a priority of "one," meaning that the responsible agencies must achieve those objectives in order to continue to receive LEAA funds.

After the Commission established the priorities for the various objectives, the project staff wrote a series of implementation reports for each area of the system--rural and urban law enforcement, courts, juvenile justice, corrections, and criminal justice information and statistical systems. Each report is organized around a series of general goals. The reports contain: introductions - statements of the problem or need addressed by the goal; the objectives as they were prioritized by the Commission; for most objectives, a list of strategies - one or more ways in which the objective might be reached; commentaries - further discussion of the objectives and strategies; sources - the origins of the objectives; and references - material for further study and explanation.

As a result of the close involvement of Tennessee's criminal justice professionals and concerned citizens in each phase of the project, each implementation report reflects the decisions of the most knowledgeable Tennesseans concerning those areas of the criminal justice system that need improvement and the best means for achieving that improvement.

## SUMMARY OF IMPLEMENTATION REPORTS

Presented below is a summary of the content of the specialized implementation reports. Each report is summarized through an introduction, a list of the goals for that part of the criminal justice system, and a brief discussion of each goal. The goals are numbered in the same way that they are in the implementation reports. Thus, the reader can easily locate in a particular report the full text and related commentary for any goal in which he is interested.

A review of all of the goals in all the implementation reports will reveal overlapping and even identical goals found in two or more reports. The overlapping nature of the reports reflects an important fact about the criminal justice system--that it is an overlapping, interacting system in which actions taken, or not taken, by one agency may have profound effects on another agency. An improvement in the crime detection and apprehension capabilities of law enforcement agencies, for instance, will ultimately result in more people being processed by the courts. Improved prosecution could lead to more convictions. Those convictions will place increased demands on the Department of Correction. The effectiveness of correctional programs will, in turn, influence the recidivism rate and the amount of crime that law enforcement agencies will have to confront. Thus, the goals and objectives adopted for each area of the criminal justice system have to be considered, not only in terms of that part of the system, but in terms of their impact on the criminal justice process as a whole.

### Law Enforcement

The demands made on law enforcement agencies are varied and complex. In a period of increasing public concern about crime, citizens expect quick police response when they are faced with danger, and they want and expect the services of a highly competent professional when they are victimized. At the same time, they expect police to direct traffic, be available for emergency rescue situations, control crowds at public sporting events, and perform a variety of other tasks quite removed from dealing with criminal activity.

Not only are the functions of police agencies highly varied, but the size and structure of Tennessee agencies charged with performing those functions also vary greatly. They extend in size, for instance, from one or two man departments in small cities to the more than 1,200 full-time sworn officers in Memphis.



Because of the wide variety of tasks that law enforcement agencies must perform and the great differences among agencies in the state, suggestions for improving police services in Tennessee cannot center on any narrow set of proposals that should be implemented by all agencies. Instead the Tennessee Law Enforcement Planning Commission has adopted a wide ranging set of objectives dealing with administrative problems, operations, and personnel and equipment. It has incorporated them, not in one report, but in two - one for urban departments and one for rural departments, defined as those with fewer than 50 sworn personnel.

The proposals for both urban and rural law enforcement are organized around 14 goals for the improvement of police services in Tennessee. Those goals are summarized below.

### 1. Define and Evaluate the Police Function

No police agency can perform at its best without a clear conception of its function. Consequently, objectives in this section call for police agencies to define their function through written policies and priorities including a definition of the nature and limits of police discretion. Means for evaluating the efficiency and effectiveness of agency operations and improving relations with the news media, the public's main source of information about the police, are also suggested.

### 2. Improve the Planning and Budgeting Process

Without proper planning and budgeting, no agency can provide the most efficient and effective service. Nonetheless, the day-to-day demands and pressures of police work often result in little attention being given to long-range planning and effective budgeting procedures. Objectives in this section deal with cooperative planning with other governmental units, maximizing access to all available funds, and developing cost accounting techniques to evaluate agency programs and services.

### 3. Improve Police - Community Crime Prevention

A team effort between the community and the police is needed to roll back crime. The most efficiently administered police agency will falter unless the community it serves genuinely supports it. Conversely, a supportive community, intensely interested in reducing crime, will be ineffective if the police agency is complacent or incompetent. Vigorous cooperation is necessary. Programs for joint police-community action are therefore suggested.

#### 4. Improve the Effectiveness of Law Enforcement Agencies in Combating Crime

While the police do many jobs in our society, combating crime is surely their first priority. Almost all of the proposals in the law enforcement report, if adopted, have the potential of increasing police effectiveness in this area. The objectives presented in this section are those which most directly deal with the fight against crime. They include providing police services 24 hours a day, enhancing the role of the patrol officer, team policing, improving procedures in juvenile cases, freeing sworn officers for direct enforcement duties through the use of civilian personnel, using police reserve officers, and improving the capacity to respond to calls.

#### 5. Increase Alternatives to Physical Arrest by Expanding the Use of Citations and Summons

Police resources are needlessly wasted when an individual who could be expected to appear in court in answer to a citation or summons on a minor charge is, instead, arrested. The arrest also causes serious inconvenience to the individual involved and, potentially, to other members of society. It is recommended that legislation be adopted authorizing citations and summons in place of arrest in certain situations. In that event, it is recommended that police agencies develop written policies and procedures to govern the use of summons, citations and arrest warrants and that legislation be adopted permitting search with citation under specified, limited conditions.

#### 6. Promote Specialization as a Police Tool

In any organization charged with complex tasks, specialization can improve efficiency. The nature and extent of specialization desirable in police agencies will vary with the size of the agency and the particular problems found in the community it serves. The objectives in this section propose that specialized capacities be developed in the areas of criminal investigations, vice operations, intelligence, narcotic and drug activities, and cases involving juveniles. It is recommended that each agency that does have established specialities annually review their effectiveness.

7. Emphasize the Use of Professional Assistance and Improve the Quality of Support Services

The proper use of professional assistance and support services can reduce the burdens placed on police personnel and improve the effectiveness of the agency. Proposals are made concerning establishing liaison with outside professionals who have knowledge that can aid the agency, acquiring legal assistance, and establishing a standardized system for storage, classification, retrieval and disposition of items of evidentiary or other value.

8. Define and Implement Plans for Dealing with Mass Disorders and Unusual Occurrences

Almost every police agency must anticipate the possibility of a mass disorder or other unusual occurrence that would place an unusual burden on police resources. It is recommended that local contingency plans be developed for the use of police resources in such circumstances and that agencies have formal training programs to prepare their officers to deal with unusual occurrences.

9. Upgrade Recruitment and Career Development of Law Enforcement Personnel

No police agency can be any better than its officers, for the officers are the agency. Tennessee is fortunate to have many highly qualified, dedicated and well trained officers. Nonetheless, the TLEPC believes that improvements can be made in this area. Recommendations are made in this section concerning the establishment of a commission to set mandatory minimum standards for police officers, college recruitment, improving salary and opportunities for advancement, and the role of the police chief executive in promotion and advancement decisions.

10. Upgrade Training and Education of Law Enforcement Personnel

A critical area for every agency is assuring that its personnel are properly trained, not only in terms of basic training when they begin their work, but continued training to maintain and improve their qualifications. Recommendations are made concerning mandating minimum basic training for all full-time officers, providing all new full-time officers with additional training and supervised experience during their first year, establishing formal personnel development programs and affiliating police training programs with academic institutions.

#### 11. Standardize Benefits for All Law Enforcement Personnel

Police personnel have a right to expect personal benefits at least equivalent to those offered other public employees. Recommendations are made concerning health care and retirement programs.

#### 12. Provide and Improve Law Enforcement Equipment

The quality of police service, while resting mainly on the quality of the officers, also depends on providing them with the necessary equipment. The TLEPC believes that every agency must provide a full uniform and proper equipment for each officer. Recommendations are also made concerning adequacy and safety of police transportation.

#### 13. Establish Formal Internal Discipline Procedures

Misconduct on the part of police employees injures the agency in many ways. It suffers not only from the direct effects of the misconduct itself but from the negative effect such misconduct has on the public image and acceptance of the police. Recommendations are made in this section concerning programs and techniques to prevent misconduct and encourage self-discipline and to receive and properly investigate public complaints.

#### 14. Improve Employee-Agency Relations

Relations between the police agency and its employees ultimately affect the quality of police services. Recommendations are made concerning employee organizations, interpersonal relations, and the prohibition of work stoppages or other job action by police employees.

#### Courts

The judicial system stands at the very heart of the criminal justice system as a whole. It is responsible for processing accused persons from the time they first appear before a judge following arrest until their cases are adjudicated. Even after a convicted individual is remanded to correctional authorities, the courts will continue to be involved if he chooses to appeal his case. In addition to its role in processing criminal defendants, the court must protect the rights of the individual and assure that other criminal justice agencies do not violate the constitutional or legal rights of the accused or of other persons.

In many respects, the courts in Tennessee perform their duties in an effective and efficient manner. However, Tennesseans who attended a series of meetings held throughout the state to discuss the court system felt that there were many ways in which the courts could be improved. This view was endorsed by the Tennessee Law Enforcement Planning Commission and is reflected in its support of various proposals for improving the courts. Those proposals are grouped under 16 general goals. Each of the goals is briefly discussed below.

#### 1. Develop Programs to Divert Selected Offenders From the Criminal Justice System

Diversion refers to the halting or suspension of formal criminal proceedings against an individual before he is convicted on the condition that he will do something in return--such as participate in a rehabilitative program or make restitution to his victim. Diversion is an activity that police, prosecutors and courts have engaged in, on an informal basis, for many years. It occurs because one or more responsible officials believe that there is a more appropriate way to deal with a particular defendant than to prosecute him.

In 1975 the General Assembly authorized the establishment of formal pretrial diversion programs. Formal programs, if well run and sufficiently supported, are more likely than informal ones to provide offenders with the treatment and services they need. The establishment of such programs requires additional funds in most cases, however. Therefore, the General Assembly is very strongly urged to appropriate enough money to begin diversion programs in all those jurisdictions wishing to have them.

#### 2. Safeguard the Rights of the Accused and of Society by Controlling Plea Bargaining

Plea bargaining refers to negotiations between defendants or their counsel and prosecutors concerning concessions to be made in return for a plea of guilty. Plea bargaining has been the subject of much controversy and criticism and some have suggested that it be abolished. The consensus of Tennesseans working in the courts, however, is that plea bargaining serves a useful function and, that without a major increase in manpower and money, it would be impossible to take to trial all of the cases now resolved through the plea bargaining process. The possibility of abuse and inconsistency in handling similar cases does exist, however. Therefore, it is suggested that District Attorneys may wish to develop written policies and procedures to guide their assistants in the plea bargaining process and that bar associations review their standards for the conduct of defense counsel in plea bargaining.

### 3. Increase Alternatives to Physical Arrest by Expanding Use of Citation and Summons

Each arrest involves a substantial use of the time and resources of both police agencies and the courts. In addition, it causes an abrupt disruption in the life of the arrested person and his family. While there are many cases in which arrest is necessary, there are many others in which it is not and in which a police citation or a summons from the court could replace physical arrest. It is therefore suggested that the General Assembly consider legislation authorizing the use of citations and summons in lieu of arrest in specified situations.

### 4. Minimize Pretrial Confinement and Improve Pretrial Release Services and Programs

Pretrial confinement is a serious infringement on the rights of the accused who is presumed innocent until proven guilty. Individuals should be confined only when it is necessary in order to assure their appearance at trial. At the current time, many accused persons are held until trial simply because they are financially unable to post bond. The objectives connected with this goal are all aimed at reducing the extent of pretrial confinement, assuring the rights of the accused, and maximizing the efficiency and usefulness of various pretrial programs. Among the objectives are: increasing alternatives to release on bond; eliminating private bail bond agencies from the pretrial release process; developing policies and procedures governing pretrial detention; coordinating pretrial release, diversion, and referral programs; and defining the rights of persons alleged or adjudged incompetent to stand trial.

### 5. Obtain Significant Reduction of Delays in Criminal Proceedings

One of the major weaknesses of the court system is the long delays that may occur between arrest and final disposition of a case. There is wide agreement that the prompt processing of criminal cases would not only preserve the right of the defendant to a speedy trial but is very much in the interests of society. It would result in the quick confinement and removal from the general public of dangerous offenders. The objectives in this section include: specifying maximum allowable delays for trials and retrial; redistricting judicial circuits in order to equalize caseloads; establishing time limits for preliminary hearings and for submission of and ruling on pretrial motions; developing written policies and procedures to establish clear priorities for the hearing of various types of cases; and limiting the use of continuances.

## 6. Improve Procedures for Trial of Criminal Cases

Although only a relatively small proportion of all criminal cases ultimately go to trial, access to a properly conducted trial is fundamental to the American system of justice. Several improvements could be made in current trial court proceedings, including: equalizing the number of peremptory challenges allocated to the defense and prosecution and limiting the number of challenges in multiple defendant cases; adopting standards relating to the use of court time, the judge's role in providing guidance to the jury, note taking by the jury, and access by the jury of evidence and testimony; rules concerning the dress of defendants and witnesses and the conditions under which physical restraint or removal from the courtroom may be imposed. It is also suggested that a study be conducted of the use of the exclusionary rule.

## 7. Improve Procedures for Sentencing Convicted Offenders

There are serious weaknesses in the current procedures by which the jury must sentence a convicted offender without having full information about his background. It does not have that information because testimony not related to the specific charge being tried must be excluded from the trial in order to provide the defendant with a fair hearing. It is suggested that consideration be given to establishing a system in which, if a defendant is found guilty, a separate hearing with additional testimony about his background would be held before the same jury that heard the case. That jury would then determine the sentence. The General Assembly is also very strongly urged to adopt legislation clarifying the conditions under which a term of probation is ended, and courts are asked to review their policies and procedures with respect to probation.

## 8. Improve Procedures for Review of Trial Court Proceedings

Two problems are addressed in this section: delays in the appeals process and the need for more efficient assignment of appellate jurisdiction over certain types of cases. With respect to the problem of delay, it is very strongly urged that time limits be established for filing motions for a new trial and amendments thereto and for hearing and ruling on such motions. In addition, every effort should be made to adopt rules and procedures to make trial transcripts available more quickly. The TLEPC also very strongly recommends that the Supreme Court be given jurisdiction to review Court of Criminal Appeals decisions upon certification by the intermediate court that a case should be decided by the Supreme Court and that original appellate jurisdiction in workman's compensation cases be removed from the Supreme Court.

#### 9. Assure Quality of Judicial Personnel

An effective and fair court system requires qualified judges. Many factors have a bearing on the quality of judicial personnel, including the method by which they are selected, the efforts judges make to continue their legal education and specialized judicial training, and the provisions made for cases in which judges become physically or mentally incompetent to sit on the bench. The TLEPC very strongly recommends that a system of nonpartisan election of judges be adopted and that a state judicial education committee be established to develop standards for judicial training. It also recommends procedures to provide for the transfer of a judge's caseload to another judge when serious questions of mental or physical incapacity are being investigated.

#### 10. Improve the Organization of General Sessions and Juvenile Courts

Given the function of the judge in protecting the legal rights of all individuals coming before the court, there is necessarily a serious question about the quality of justice dispensed in a court in which the judge is not a lawyer. The TLEPC believes that although there are and have been good judges who were not lawyers, the growing complexity of criminal proceedings requires that all lawyers be judges, even in misdemeanor and juvenile cases. The difficulty in assuring this lies primarily in rural counties where there is not sufficient court business or public monies to attract and adequately compensate a full time, lawyer judge. The TLEPC therefore recommends that the General Assembly consider reorganizing the general sessions and juvenile courts into a circuit general sessions court that would be state funded and have lawyer judges.

#### 11. Improve Court Administration

Courts are complex public agencies that require efficient, modern managerial techniques if they are to operate in the most effective manner. The problems of administration can be especially difficult in circuits with a large number of judges who need to coordinate at least some of their activities. In order to provide for improved administrative practices in the courts, it is recommended that local administrative authority in each trial jurisdiction be vested in a presiding judge and that full time professional trial court administrators be hired for large circuits.



## 12. Assure Adequate Facilities for Court Business

The work of the courts is hampered when the physical facilities available to them are not adequate, and there are problems with inadequate court facilities in several areas of the state. County governments are urged to provide adequate facilities including renovation or construction, where necessary.

## 13. Improve Court-Community Relations

Courts operate in an atmosphere of public scrutiny. Public perceptions of and attitudes towards the courts inevitably affect their ability to do their job properly. Public respect for the courts creates confidence in the criminal justice system as a whole and makes it easier to obtain the cooperation of citizens as witnesses and jurors. It also makes it more likely that the public will be prepared to provide the courts with adequate resources. Objectives addressing court-community relations include: assuring adequate facilities and procedures for providing information to the public; reducing the time witnesses have to spend in court; and providing sufficient compensation to jurors and witnesses.

## 14. Assure the Quality of Prosecutorial Services

The role of the prosecutor is vital to the proper functioning of the court system. District Attorneys and their assistants are generally highly capable and dedicated. Due to insufficient resources, however, they are not always able to provide the highest quality of prosecutorial service. It is very strongly recommended by TLEPG, therefore, that the legislature assure sufficient compensation, facilities for and training for District Attorneys and their assistants, including giving all assistants full time appointments. District Attorneys are asked to develop detailed statements of office practices and policies for the guidance of their assistants.

#### 15. Develop a Statewide Public Defender Organization

Constitutional guarantees of due process require that indigent defendants be supplied with attorneys at public expense. The best way to meet this need has been the subject of much discussion in recent years. Although a few jurisdictions in Tennessee have public defender systems, most depend on the appointment of private counsel who are later reimbursed by the state. In recent years, the reimbursement fund appropriated by the General Assembly has been far from adequate and many attorneys have gone unpaid. Those who were paid were compensated at a rate generally considered to be low and unattractive to the attorneys concerned. Although there may be no one best way to provide indigent defense services in the state, the TLEPC believes that the establishment of a statewide, state supported public defender system would be an improvement over the present system and very strongly recommends that this be done by 1979.

#### 16. Develop Plans for Dealing with Mass Disorders

Although mass disorders are not a serious problem in Tennessee, it is suggested that local jurisdictions may wish to consider developing plans for mass disorders. Such plans should include provisions for a court processing plan, a plan for providing defense and prosecutorial services, and procedures for screening and charging arrested persons.

#### Juvenile Justice and Programs

The principal philosophy of the juvenile court, in its quasiparental role in dealing with youthful offenders as well youthful victims of parental failure, is the protection, correction and rehabilitation of the child. Punishment, except as a means of treatment, has no place in the juvenile court. The first duty and obligation of the court, however, is to protect society. There should be no doubt that the protection of society is better accomplished by the effective rehabilitation of an errant youth than by the confinement of such a youth in a public institution as punishment and example. The criminal justice system, through the juvenile court has the opportunity to intervene at or near the beginning of what is potentially a long-term pattern of criminal behavior, and the effective reversal of such behavior merits diligent effort and study.

Fourteen major goals directed toward a more effective juvenile court system and programs have been identified in the development of Tennessee Criminal Justice Standards and Goals. These 14 goals and a brief comment on each are set forth below.

### 1. Minimize Extent of Involvement of Juvenile Offenders with the Criminal Justice System

It is important to distinguish between a child who commits a delinquent act and child who is delinquent. A child who commits a delinquent act is not necessarily delinquent, and may under special circumstances never commit such type of delinquent act again. Such a child may be more harmed than helped by an experience with the juvenile court. Experience has shown that if a child can be kept out of the criminal justice system, there is less likelihood of future involvement with the system. Every child, however, must be taught to realize that he is responsible for his actions and the thrust of this goal is to teach the child this responsibility without permanently damaging the prospects of his future development through more involvement with the criminal justice system than is necessary.

### 2. Restrict Circumstances for and Length of Juvenile Detention

Juvenile detention as used herein refers to temporary care of a child alleged to be delinquent who requires secure custody in physically restricting facilities pending court disposition or execution of a court order. The law in Tennessee is that a child taken into custody shall not be detained prior to the hearing on the petition unless his detention is required to protect the person or property of others or of the child, or because the child may abscond or be removed from the jurisdiction or the court, or because the child has no parent or guardian to provide supervision and care for him and return him to the court when required.

### 3. Insure Appropriate, Effective and Fair Processing of Juvenile Offenders

The structure of the juvenile court in Tennessee varies widely. Juvenile courts are financed by local government, and in each county, unless changed by a private act of the Tennessee legislature, the law provides for the county judge to have juvenile court jurisdiction. Of the 101 juvenile court judges in Tennessee at the present time, approximately one-fourth (25) are attorneys. Unless required by the private act creating a court, a juvenile court judge is not required to be an attorney.

Lack of uniformity in the juvenile court system results in fragmentation. Unlike courts dealing with adults accused of crime, the involvement of the juvenile court in protecting and rehabilitating the child precedes and extends beyond the child's appearance in the court room. The opportunity and responsibility of the court to influence the lives of children, who are either dependent and neglected or behavior problems, is tremendous. It is an awesome responsibility. It is most important that the judge be

knowledgeable in the law and aware of the resources available to the court for the protection and correction of children. Most juvenile courts in Tennessee do not require full time judges. County judges with juvenile court jurisdiction have additional duties of great importance. The interest and concern of the county judge in the operation of the juvenile court and development of programs to meet the courts responsibility to children and his ability to take effective action is influenced by the demands on the judge's time from other duties.

#### 4. Improve Interaction Between Criminal Justice Agencies and the Public

Public approval and support is most important to criminal justice agencies in meeting their responsibilities in dealing with youthful offenders, as well as providing protective services for those children, who through no fault of their own, come within the protective jurisdiction of the juvenile court. Juvenile courts in order to develop and implement effective programs designed to protect, correct and rehabilitate children must have the support of public and private agencies, as well as the general public, in carrying out these programs.

#### 5. Insure Rights of Juveniles Committed to Correctional Institutions

Healthy surroundings, medical care and opportunities for recreation for juveniles confined in correctional institutions are unquestioned rights. Custody means more than possession, it means care. The right of the committed juvenile to rehabilitation is also well established.

#### 6. Improve the Conditions of Confinement

This goal has three subgoals: (1) Adequacy of juvenile correctional institutions; (2) Social environment of institutions; (3) Flexibility of policies for handling juveniles under commitment to the Department of Correction.

The right of the state to custody of an individual is accompanied by the responsibility to maintain institutions of confinement in a manner that assures adequacy of operation. The incarcerated person tends to feel alienated, angry and isolated. The principles governing institutional programs and operation must be used in coping with that alienation if there is to be success in resocializing offenders. A correctional agency should have flexibility in coping with problems.

#### 7. Improve Correctional Programs Through Emphasis on Rehabilitation and Reentry

Although in the mind of the offender, the effect of confinement is punishment, the purpose, particularly in regard to confined juvenile delinquents, is to correct and rehabilitate in order for the delinquent to be motivated toward a constructive, law-abiding role in life. Controlling the delinquent behavior of a person while in confinement is no great problem--the difficulty is to change the behavior pattern of the delinquent so that when returned to society he will become an asset rather than a liability to the community. Great emphasis should be placed by the correctional institution toward developing programs which will influence the incarcerated offender to become an acceptable citizen. Motivation alone is not enough. The offender must be given the equipment and tools to cope with conditions he will face on returning to the community.

#### 8. Develop Programs for Unique and Specialized Needs

This goal deals with two areas--the treatment of problem offenders and interaction between the community and the institution. Problem offenders, such as drug addicts, the mentally ill, emotionally disturbed and psychotic require specialized treatment if there is to be any chance for improvement in their conditions.

The very nature of confinement, with the resulting separation from home and community, acts to limit rather than enhance the rehabilitative prospects. Contact with the community in which the offender is to live after release from the institution should increase the probability of the offender's behavior being acceptable to the community on his return there.

#### 9. Improve Detention Facilities for Juveniles

One of the greatest needs and most glaring deficiencies in the Tennessee criminal justice system in regard to juveniles is the lack of adequate prehearing detention facilities. In most counties of the state detained juveniles are kept in jails due to the lack of detention facilities for juveniles. Except in the four metropolitan counties, all detained juveniles are confined either in a jail or in a facility that is either a part of or connected to a jail. Detained juveniles are, by law, kept separate from adults accused or convicted of crime, but most facilities in which juveniles are detained have a jail like atmosphere.

#### 10. Improve Community Services to Youth

This goal is directed toward the establishment of youth services bureaus. Youth services bureaus have been effective in integrating and coordinating the services available to youth and have acted as the central intake unit for analyzing a juvenile's needs and referring him to or providing him with services. Youth services bureaus can be used in the diversion of youths from the criminal justice system and also can be available to meet needs of youth who have not become involved with the criminal justice system.

#### 11. Provide and Expand Programs for Employment of Youth

Correlations between individual failure in the labor market and criminal behavior, and similar correlations between high local unemployment rates and high local crime rates, suggest that unequal economic status is a major cause of crime. Forced idleness and unemployment are contributing factors to delinquency and programs to increase employment, particularly among the economically deprived youth, should merit serious consideration and effort.

#### 12. Promote Expansion of the Education Process in Home and School to the End of Reducing Crime

Since deviant behavior is the result, in part, of learned socialization processes, the social environment, including the schools, can help motivate either law-abiding or delinquent behavior. Because almost all of our young people become involved with the educational system, more should be done by that system to encourage acceptable behavior. Experienced teachers, in particular, may be able to recognize conditions that tend to lead a child toward delinquency.

#### 13. Use Recreation as an Integral Part of an Intervention Strategy Aimed at Preventing Delinquency

Recreation can become a tremendous resource for those concerned with delinquency prevention. Their task will be to involve young people in interesting and relevant areas that prepare them to use their leisure time. The report of the White House Conference on Youth (1971) stated:

"One of the most immediate needs of poor youth is in the recreational facilities in their own neighborhoods to give them something to do."

#### 14. Promote Involvement of Religious Community in Crime Prevention

No one expects the religious community single-handedly to assume the responsibility for crime prevention, but the spiritual centers of the nation can become part of a massive new effort to reduce and prevent crime. The challenge confronts the whole society, not just a part of it. The religious community is a significant part of that society, and has valuable resources to commit to a worthy effort.

#### 15. Deinstitutionalize Status Offenders

Status offenders are children who come into contact with the criminal justice system because of offenses that would not be considered criminal if engaged in by an adult. It is only their status as children that causes the particular behavior to be considered an offense. Examples are truancy or violating curfew laws.

At the present time, juveniles who are committed to the Department of Correction for status offenses are placed in the same institutions that house delinquents. Chances for the successful treatment of the status offender are endangered by such exposure to hard core delinquents. Community resources should be used to help children who are status offenders.

#### Corrections

A statewide commitment to change is essential if there is to be any significant reform of corrections, for this is a formidable task. Across the nation high recidivism rates, riots and unrest in prisons, degradation in jails, increasing litigation against correctional officials, and indignant public reactions attest to the need for changes in correctional agencies and programs.

The chairman of the U.S. Board of Parole said in an address to the American Correctional Association:

"To put it bluntly, the field of corrections is experiencing a crisis in public confidence, and the crisis shows no sign of abating. Unlike times past, we can't expect to handle the problem by letting it wear itself out."

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Correction officials in Tennessee have been making great strides toward improvement of the system over the past several years. But even with the positive and progressive attitudes evidenced by some of Tennessee's correctional programs, major correction reform cannot be accomplished without assistance. Legislators, local officials, law enforcement personnel, judges, community agencies and various other public and private groups must lend their support to correction efforts.

With a genuine desire for even greater improvement in the correctional system, Tennessee's correction officials have identified 11 major goals to work toward.

1. Coordination Between State and Local Systems for the Improvement of Correctional Facilities, Programs and Services

The intent of this goal is twofold: to provide Uniform Correction Guidelines as a basic tool for correction improvement; and to establish a procedure by which local correction systems may seek allocations from an informed General Assembly to implement these improvements.

2. Improve Prerelease Programs and Services

Dealing with alternatives to confinement, this goal area considers the establishment of adult intake services, diversion and utilization of existing community resources, with special emphasis on release on recognizance.

3. Improve Pretrial Detention Facilities and Services

Addressing the premise that persons awaiting trial are presumed to be innocent of the offense charged, this goal area considers policies and procedures: (1) governing the pretrial detention admission process, and (2) insuring the rights of persons detained while awaiting trial. Special emphasis is placed on speedy processing and physical separation of pretrial and posttrial inmates.

4. Define and Implement Comprehensive Classification System

Based on the concept that classification of an offender is a useful correctional tool, this goal area calls for a comprehensive classification system (treatment oriented as opposed to management oriented), and the establishment of community classification teams.

## 5. Insure Rights of Sentenced Offenders

Gross abuse of offenders' rights have caused the courts to intervene and the community to become concerned. This goal area emphasizes the need for written and disseminated rules and procedures for: (1) offender conduct, (2) disciplinary action, (3) nondisciplinary change of status, (4) offender grievances, and (5) facility and inmate searches. Very strong emphasis is placed on legislation to restore automatically all civil rights after release from correctional custody.

## 6. Improve Conditions of Confinement

Although implementation of any of the aforementioned goal areas would indirectly improve conditions of confinement, this goal area is directed toward improving conditions of confinement through programs for special offender types, use of trustees, and utilization of community-based release programs.

## 7. Improve Procedures and Programs for Rehabilitation and Reentry

As one function of corrections is to provide the offender with the opportunity and climate for behavior change, this goal area considers programs designed to bring about positive behavior change, release programs involving community leadership, individual residential assignment and program planning, and research on the operation of prison industries.

## 8. Improve the Probation System

In order for probation to fulfill its potential, this goal area recommends the planning and development of goal-oriented service delivery and revised legislation granting the sentencing court the authority to discharge a person from probation, after a hearing, at any time.

## 9. Improve the Parole System

With parole as the preferred method of release for the vast majority of prisoners, this goal area recommends the development of a goal-oriented parole service delivery system requiring that parole officers begin work with parolees during the furlough phase and prior to release, providing parole staff funds to purchase needed community resources for parolees, and research on the feasibility of citizen committees to advise on parole policy development.

#### 10. Improve the Administrative Structure and Upgrade Personnel

This area is a cross-section for corrections, addressing the need for comprehensive correctional codes, establishment of an administrative unit in the Department of Correction responsible for securing citizen involvement, research on the feasibility of adopting participatory management programs, systemwide standards for correction personnel recruitment, training and pay, and the use of ombudsmen.

#### 11. Upgrade Planning for New Institutions, Adult and Juvenile

This goal area recommends that planning for any new facilities begin on the basis that no more than 400 inmates can be housed in a single institution; recommends research on converting male and female institutions of adaptable design and comparable population into coeducational facilities; forbids the building of new juvenile institutions until community resources have been developed deinstitutionalizing status offenders; and urges the phasing out of all juvenile institutions in favor of community programs and facilities.

#### Criminal Justice Information and Statistics Systems

The Tennessee Law Enforcement Planning Commission, Municipal Technical Advisory Service and County Technical Advisory Service have each been instrumental in urging and supporting law enforcement agencies to adopt the state standardized record keeping system. Jurisdictions implementing the basic record keeping system represent over 80 percent of the state's population and 95 percent of the victimization.

The TLEPC believes that with the vast majority of the state's criminal activity now being recorded at the law enforcement level, the time is ripe to expand the basic record system to include other criminal justice agencies and to implement the long overdue statewide automated Criminal Justice Information and Statistics (CJIS) System. Therefore, the TLEPC has required that any criminal justice agency (District Attorneys, public defenders, courts, correctional agencies), applying for LEAA funds, must expand the record initiated by the arresting agency to include each event involving the arrested person.

It is the wish of the TLEPC that the automated Tennessee Criminal Justice Information and Statistics System soon become a functioning reality. However, the Commission recognizes that many localities within the state are economically unable to support the system. The members feel that the inability of some jurisdictions to support the system financially can be overcome through consolidation. Therefore, they have required, again as a prerequisite for receiving LEAA funds, that if it is not economically feasible to establish a local automated system, consolidated systems must be established.

Because of the amount of sensitive data being systematically collected, the TLEPC was faced with the problem of securing that data from misuse. The Commission believes the collection, storage and dissemination of criminal justice data should be totally under the management control of a criminal justice agency. It, therefore, has required that all criminal offender information be stored on a computer dedicated solely to criminal justice agencies and that the collection, entering and dissemination of that data be controlled by criminal justice agencies.

Expanding on these requirements, the TLEPC adopted many other proposals necessary for the implementation of an effective network of computerized criminal justice information systems. These proposals range from the establishment of user groups, to expanding the Uniform Crime Report data for crime oriented research, to outlining the data input needed from each area of the criminal justice system.

APPENDIX

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Memphis Delta Development District

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**END**

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