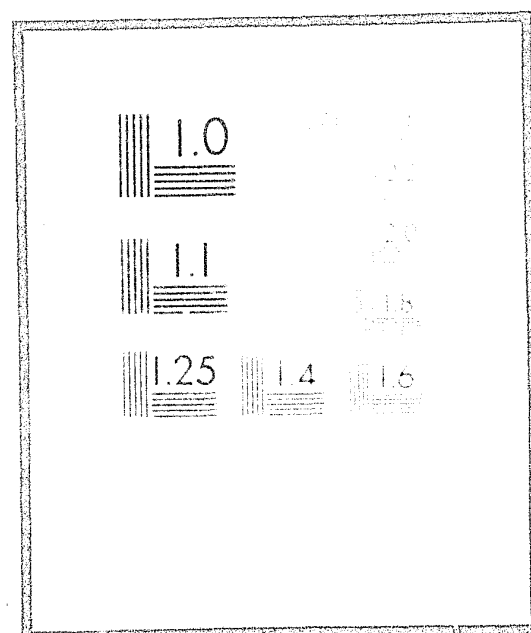


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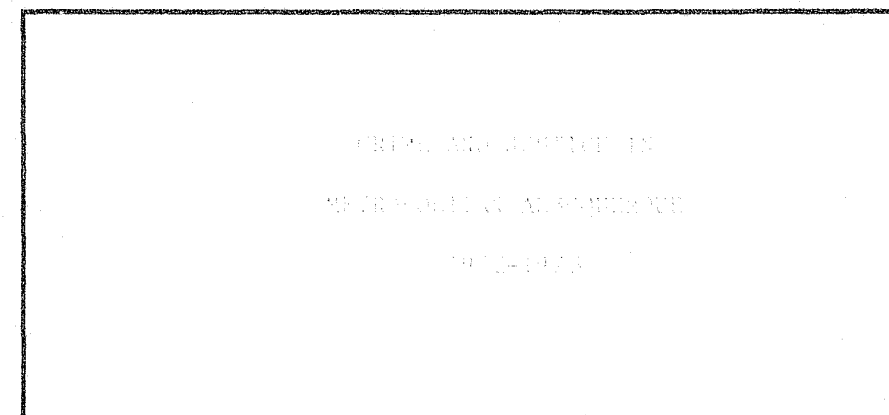
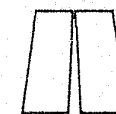
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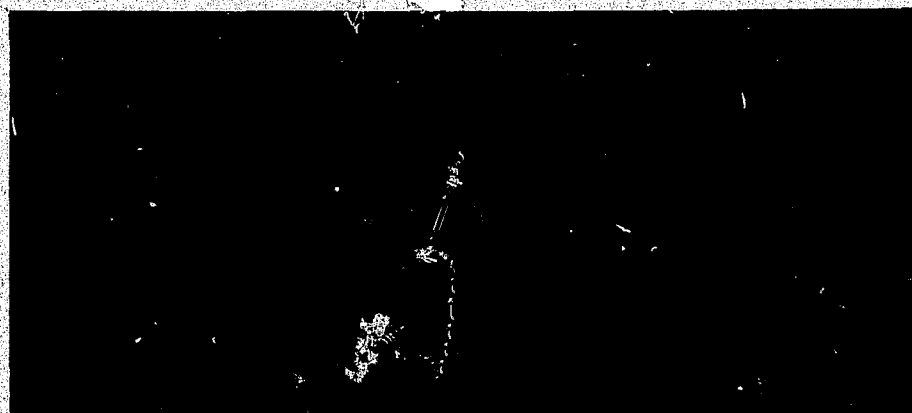
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THE UNIVERSITY OF NEW MEXICO



A Report of
THE CRIMINAL JUSTICE PROGRAM
INSTITUTE FOR SOCIAL RESEARCH AND DEVELOPMENT
The University of New Mexico, Albuquerque 87131

38655



CRIME AND JUSTICE IN
METROPOLITAN ALBUQUERQUE
1972-1973

A Report of the
Pilot Cities Program

Criminal Justice Program
University of New Mexico
Albuquerque, New Mexico 87131

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ABSTRACT

This report assesses the progress made by the Metropolitan Albuquerque area and the Albuquerque/Bernalillo County Pilot City Program during 1972-1973 in the criminal justice area and provides a rationale for the Pilot City Program's current plan of action. The report discusses demographic and crime factors, criminal justice action agencies, public involvement, and the criminal justice planning agencies in the area. Methodology includes a demographic and crime summary for the area, a functional description of the target criminal justice system, identification of priorities for improvement, a description of priority problem areas, the plan of action, and an assessment of progress, together with recommendations for the future.

Major findings and conclusions are that progress has been made in lowering the highest Part I per capita crime rate in the United States, but that more progress is necessary. Cooperation and coordination have increased substantially among the criminal justice agencies, but again, much more can be done. Public awareness and involvement follow the same pattern. There has been considerable improvement toward pursuing priority areas (ascertained locally and asserted nationally) such as juvenile justice and system-wide improvements.

TABLE OF CONTENTS

	<u>Page</u>
Abstract	ii
List of Tables	v
List of Figures	vi
Preface	vii
Summary	viii
<u>Chapters</u>	
I INTRODUCTION: CRIME IN ALBUQUERQUE	1
A. Analysis of Selected Crimes	4
B. Clearance of Crime by Arrest	8
C. Youth and Crime	8
D. Re-definition of Part I Crimes by FBI	14
E. Expansion of SMSA	14
II FUNCTIONAL DESCRIPTION OF TARGET CRIMINAL JUSTICE SYSTEM	15
A. Definition of Crime/Criminal Activity	15
B. Prevention of Crime	17
C. Detection of Crime	18
D. Apprehension of Criminals	19
E. Pretrial Detention/Release	19
F. Prosecution of Criminals	20
G. Diagnosis	21
H. Adjudication	23
I. Disposition	23
J. Treatment	24
K. System Maintenance and Change	27
III IDENTIFICATION OF PRIORITIES FOR IMPROVEMENT	30
IV DESCRIPTION OF PROBLEM PRIORITY AREAS	35
A. Functional Priority 1: Prevention	35
B. Functional Priority 2: Treatment	42
C. Functional Priority 3: Diagnosis	47
D. Functional Priority 4: Disposition	51
E. Functional Priority 5: Prosecution	56
F. Functional Priority 6: Pretrial Detention/Release	63

<u>Chapters</u>	<u>Page</u>
V PLAN OF ACTION	73
A. Exploratory Research	73
B. Demonstration Projects (Applied Research)	82
VI COMMUNITY PROGRAM RECOMMENDATIONS	91
A. Prevention	91
B. Treatment	94
C. Diagnosis	96
D. Disposition	97
E. Prosecution	98
F. Pretrial Detention/Release	99
VII COMMUNITY AND PILOT CITY PROGRESSE	100
A. Community Progress	100
B. Pilot City Program Progress	106
C. Evaluation of Improvement Programs	117

LIST OF TABLES

<u>Table</u>	<u>Page</u>
1 . Reported Part I Crime, Albuquerque Metropolitan Area, 1971-1973	2
2 Albuquerque Narcotic and Drug Arrests by Type, 1971-1973 (APD)	8
3 APD Clearance Rate by Type of Crime, 1971-1973	9
4 Total APD Arrests by Age Groups, 1971-1973	9
5 Arrests for Selected Charges by Age Group, City of Albuquerque, 1971	11
6 Arrests for Selected Charges by Age Group, City of Albuquerque, 1972	12
7 Arrests for Selected Charges by Age Group, City of Albuquerque, 1973	13
8 Percentages of Arrestees under Age 25 for Selected Charges 1971-1973 (APD)	14
9 Correlation of Criminal Justice Objectives with Functions	30
10 Correlation of Anticrime Measures with Functions	32
11 Ranking of Functional Priorities	33
12 Analysis of District Attorney's Office Workload	61

LIST OF FIGURES

<u>Figure</u>		<u>Page</u>
1	Part I Crimes, Albuquerque Metropolitan Area Monthly Totals, 1972 and 1973	3
2	Part I Crimes, Albuquerque Metropolitan Area Monthly Totals, 1972	5
3	Part I Crimes, Albuquerque Metropolitan Area Monthly Totals, 1973	6
4	Albuquerque Part I Crime Trend, 1960-1973	7

PREFACE

This report documents the development of an action plan for the Albuquerque/Bernalillo County Pilot Cities Program and includes an assessment of the progress made during 1972-1973.

The action plan presented in this document is based on a functional analysis of a target criminal justice system and a breakdown of functional priorities (by combining the functional analysis with priorities established during earlier surveys of community and professional opinion).

The Albuquerque/Bernalillo County Pilot Cities Program is one of eight in the nation funded by the Law Enforcement Assistance Administration (LEAA), U.S. Department of Justice. Under the Pilot Cities Program, agencies of criminal justice in these metropolitan areas are entitled for a period of five years to apply for more funding (for Albuquerque, currently an additional \$500,000 per year) than agencies in other cities of comparable size.

The Pilot Cities Program also provides for a direct grant to the University of New Mexico for related research, evaluation, technical assistance, and planning. The UNM Criminal Justice Program, a division of the Institute for Social Research and Development (ISRAD), was established in April 1971.

This report is a product of the combined efforts of members of the Pilot Cities team. However, we would like to note particular contribution by Ms. Riley in the preparation of Chapters II and III. Current member of the team are: William R. Partridge, Everton Conger, Jeffie L. Riley, Stephen F. Blake, Louis R. Sullo, Barbara Schenkel, Virginia M. Fischer, Antonio Chavez, Steven Gonzales, and Susan B. Craig.

SUMMARY

This report documents the rationale for the plan of action for the Albuquerque/Bernalillo County Pilot Cities Program in the 1972-1973 period and assesses progress made during the same period by the Albuquerque Metropolitan area and the Pilot City Program.

In 1971 and 1972 Albuquerque was ranked as the U.S. city with the highest number of reported serious crimes per 100,000 population. (Serious or Part I crimes include murder, forcible rape, aggravated assault, robbery, burglary, auto theft, and larceny over \$50 in value.*)

Data gathered for the section of this report dealing with crime in Albuquerque shows that the crime rate (crimes per 100,000 population) has reversed direction between 1971 and 1973. The 1972 crime rate was 2.5 percent lower than that for 1971 and the 1973 rate was 7.5 percent below that of 1972.⁺ Between 1972 and 1973, only murder and robbery increased; all others decreased.

Albuquerque Police Department records show that of all persons arrested for robbery, assault, possession of weapons, narcotic and drug offenses, burglary, larceny, buying or receiving or possession of stolen property, and auto theft, more than 55 percent were under the age of 21 for both 1972 and 1973.

An important element of the report is an overview of the entire criminal justice system shown through a functional description of a target system.

*Larceny under \$50 was added in 1973.

⁺Includes all larceny for all three years.

This is followed by the identification of priorities for improvement based on rankings made by professional and public groups.

Priorities for improvement were established as follows:

- 1st: Prevention
- 2nd: Treatment
- 3rd: Diagnosis
- 4th: Disposition
- 5th: Prosecution
- 6th: Pretrial Detention/Release
- 7th: Apprehension
- 8th: Adjudication/System Maintenance and Change
- 9th: Definition/Detection

An analysis is made of the six functions of highest priority to provide a basis for recommended improvements.

Action through the Pilot City discretionary grant program and through other community action programs is proposed to improve high priority functions. Because system-wide improvements are the primary mission of the Pilot Cities Program nationwide, a major thrust of the Pilot City team's internal effort is in the area of system maintenance and change.

Research has also shown the need for more affirmative action in the juvenile justice area and in the post-arrest processing area for juveniles and adults. In July, 1973, the Metropolitan Criminal Justice Coordinating Council designated juvenile justice as the top priority. During Phase II, Pilot City efforts were focused on these two major problem areas. Several exploratory research projects were planned and implemented, dealing directly with these needs. Detailed explanations of the projects appear in Chapter V, Chapter VI provides recommendations for community programs, and the final chapter concentrates on community and Pilot City program progress and assessment.

To meet the needs in the juvenile justice area, the Court Clinic, Group Home Project, Treatment of Juvenile Delinquents with Learning Disabilities Project, and an Analysis of the Juvenile Justice System were initiated by the team. In the adult and juvenile post-arrest area, projects include the Offender Reintegration Project; Intensive Probation Supervision; Prevention/Rehabilitation Services and the Black Community; Rape Victimization and Prosecution Patterns; and An Analysis of Aggravated Assault, which was recently expanded to include the crime of murder.

In the applied research area, the Pilot City team assisted various agencies in planning, evaluation, and reporting of several demonstration projects. Major projects completed or funded during this phase are the Metro Squad, Crime Lab Survey, Team Policing, Spanish Language Training Program, Albuquerque Police Department Property Crime Reduction Program, Bernalillo County Sheriff's Property Crime Reduction Program, Property Crime Prosecution Project, Albuquerque Police Department Youth-Related Property Crime Program, and the Centro Legal defense program.

Major elements of progress during the period covered by this report were the activation of the Metropolitan Criminal Justice Coordinating Council, the development of some research capability within agencies of criminal justice, and the initiation of significant innovations in elements of the system that have received little attention in the past.

CHAPTER I. INTRODUCTION: CRIME IN ALBUQUERQUE

Albuquerque was listed by the FBI as having the highest per capita crime rate in the nation in 1971 and 1972. However, the FBI Part I crime trend^{*} has changed direction in the Albuquerque Standard Metropolitan Statistical Area (SMSA) over the three-year period, 1971-1973. Table I shows an increase in the Part I crime rate⁺ of 14.6 percent in 1971 over 1970, while the rate dropped 2.5 percent in 1972 over 1971 and 7.5 percent in 1973 over 1972; this indicates a strong reversal in the Part I Crime Index, a 9.8 percent decrease during the three-year period, 1971-1973.

Review of Table 1 shows that murder and non/negligent manslaughter, forcible rape, robbery, aggravated assault, and burglary increased between 1971 and 1973 and larceny over \$50, larceny under \$50, and auto theft decreased during the same period. The greatest change was in forcible rape which showed a 48.2 percent increase followed by robbery which increased 47.3 percent. Larceny under \$50 decreased 21.9 percent and auto theft decreased 15.5 percent. Overall, in 1973 the number of Part I crimes decreased 3.2 percent over 1971 and 4.0 percent over 1972.

Figure 1 shows the overall Part I crime total by month for 1972 and 1973. The data for both years shows a similar peaking in mid-year, with a general decline in the latter half of the year. However, 1973 did not have a sharp up-turn in December as occurred in 1972 when burglary, robbery, and larceny

^{*}All Part I Crime rates, total, charts, and graphs include larceny under \$50 for all years reported throughout this chapter. Except where otherwise noted, statistics in this chapter are derived directly from APD and BCSD Uniform Crime Reports issued monthly and annually.

⁺The Part I Crime rate is based on the number of crimes per 100,000 population.

TABLE 1. REPORTED PART I CRIME, ALBUQUERQUE METROPOLITAN AREA, 1971-1973

	1971		1972		1973			
	No. of Crimes	Index ^a	No. of Crimes	Index ^b	No. of Crimes	% Change over '71	% Change over '72	Index ^c
Murder/Non-negligent Manslaughter	36	11	27	8	39	(+ 8.3)	(+44.4)	11
Forcible Rape	139	42	209	61	206	(+48.2)	(- 1.4)	58
Robbery	679	205	983	287	1,000	(+47.3)	(+ 1.7)	282
Aggravated Assault	1,100	332	1,427	417	1,378	(+25.3)	(- 3.4)	388
Burglary	7,393	2,234	8,349	2,441	8,168	(+10.5)	(- 2.2)	2,301
Larceny over \$50	6,927	2,093	6,888	2,014	6,698	(- 3.3)	(- 2.8)	1,887
Larceny under \$50	7,811	2,360	6,619	1,935	6,103	(-21.9)	(- 7.8)	1,719
Auto Theft	2,309	698	2,100	614	1,9	(-15.5)	(- 7.1)	550
TOTAL CRIMES REPORTED ^d	26,394	7,974	26,602	7,778	25,543	(- 3.2)	(- 4.0)	7,195
% Change in Index over Previous Year		+14.6 ^e		-2.5				-7.5

^aRate per 100,000 population based on estimated population of 331,000; UNM Bureau of Business and Economic Research.

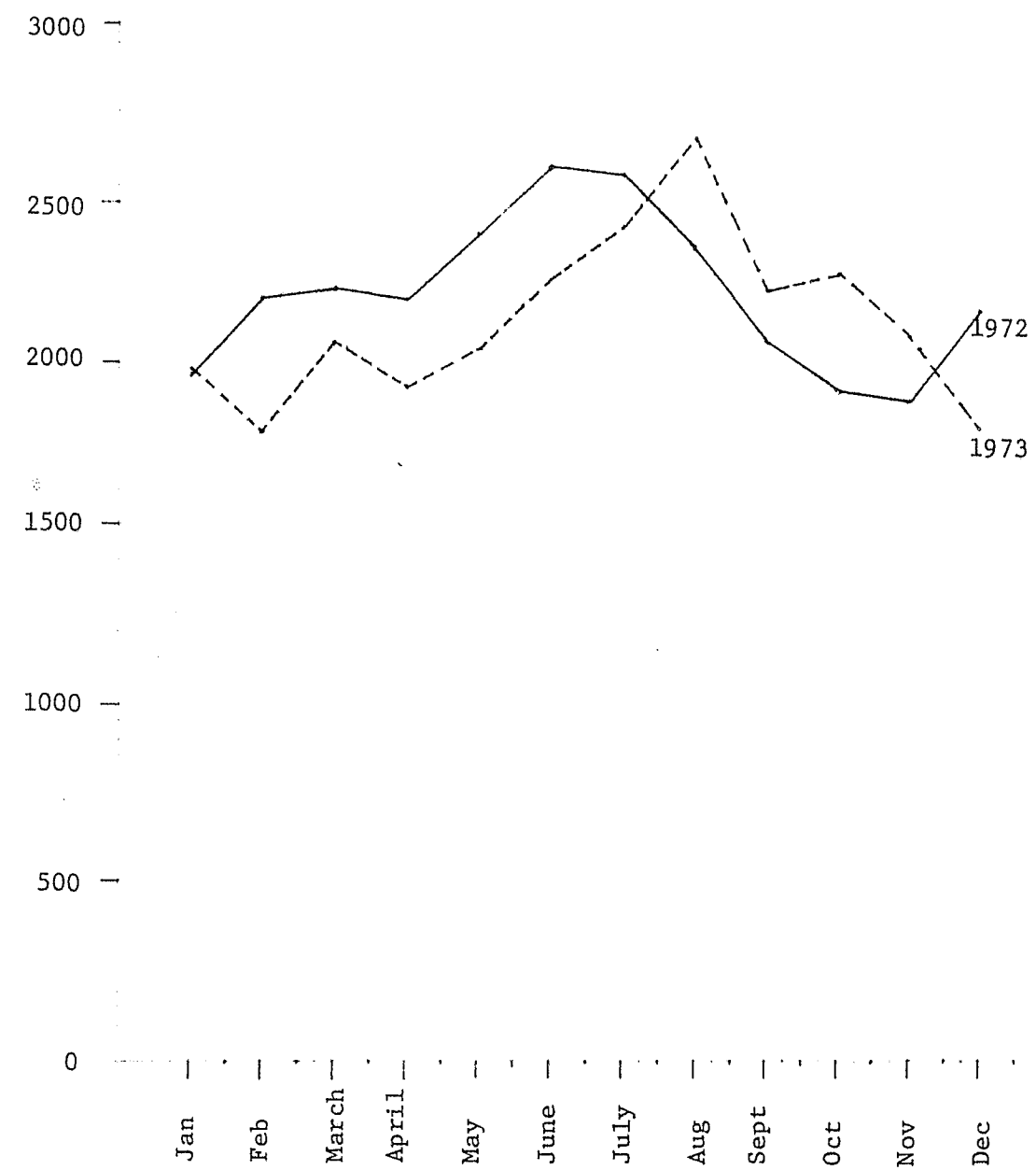
^bEstimated population 342,000; UNM Bureau of Business and Economic Research.

^cEstimated population 355,000; Albuquerque City Planning Office.

^dIndex totals may not add up exactly due to rounding.

^e1970 estimated population 318,000; U.S. Census Bureau.

FIGURE 1. PART I CRIMES, ALBUQUERQUE METROPOLITAN AREA
Monthly Totals (Including All Larcenies), 1972 and 1973



under \$50 increased sharply. In 1972, the average monthly number of Part I crimes reported was 2,217 and in 1973 it was 2,129, a 4.0 percent decrease.

Figures 2 and 3 show the monthly configuration of Part I crimes by type for 1972 and 1973, respectively. All categories decreased in 1973 over 1972 with the exception of murder and robbery.

Figure 4 illustrates crime trends from 1960 through 1973. Data for the Metropolitan area is only partially available prior to 1969, hence the earlier years reflect only figures for the city, taken from records of the Albuquerque Police Department (APD). The 1969-1970 plateau is attributed to a 9.3 percent reduction in burglaries during 1970; other property crimes and robbery remained relatively constant.

A. Analysis of Selected Crimes

Because of the increase in robbery and the related impact of drug and narcotic usage, statistics relating to these two crimes are presented.

1. Robbery. Reported robbery increased 110 percent between 1970 and 1973. During 1970, according to the APD, approximately 58 percent of all robberies involved the use of a weapon. On-street robberies accounted for 46 percent of these incidents, commercial establishments for the remainder. Individuals, not businesses, were the targets of 65 percent of all robberies in Albuquerque during 1970.

During 1973, 71 percent of the robberies involved weapons. The APD reported that on-street robberies accounted for 35 percent of the total, commercial establishments 48 percent, and residences four percent, while miscellaneous robberies accounted for 14 percent. The rise of commercial establishments as a target is largely accounted for by 259 robberies of chain stores, usually convenience markets.

FIGURE 2. PART I CRIMES, ALBUQUERQUE METROPOLITAN AREA
Monthly Totals, 1972

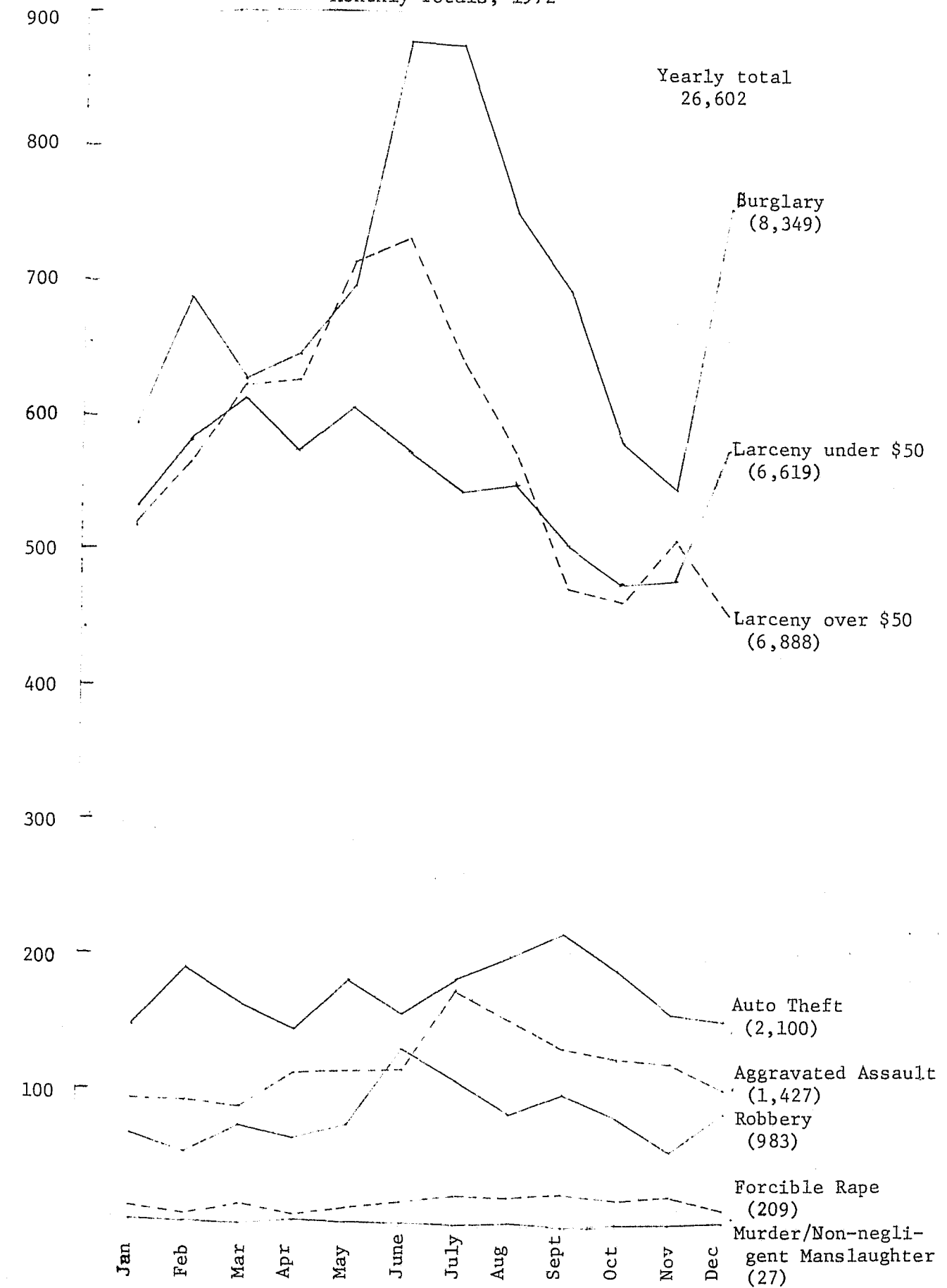


FIGURE 3. PART I CRIMES, ALBUQUERQUE METROPOLITAN AREA, MONTHLY TOTALS, 1973

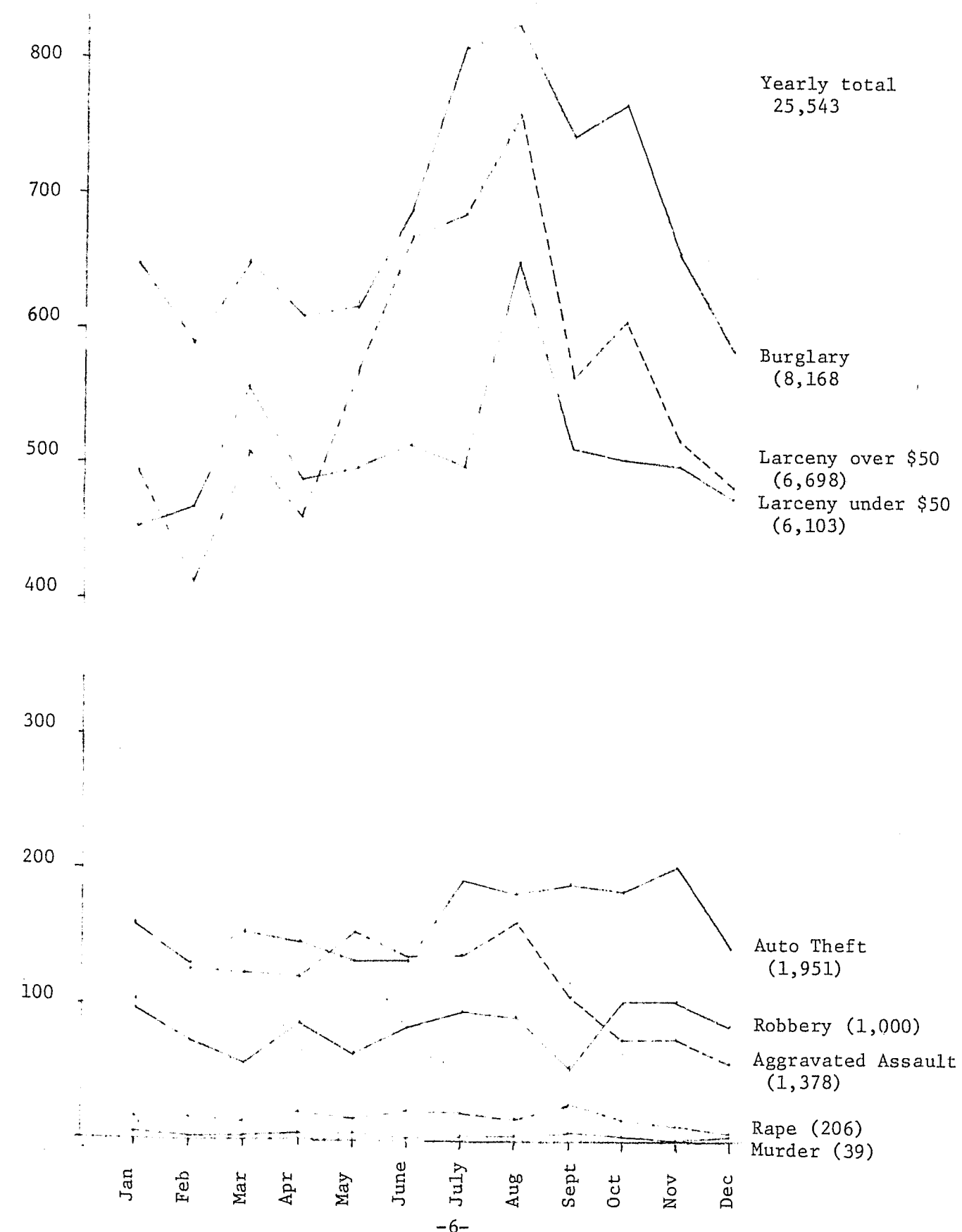
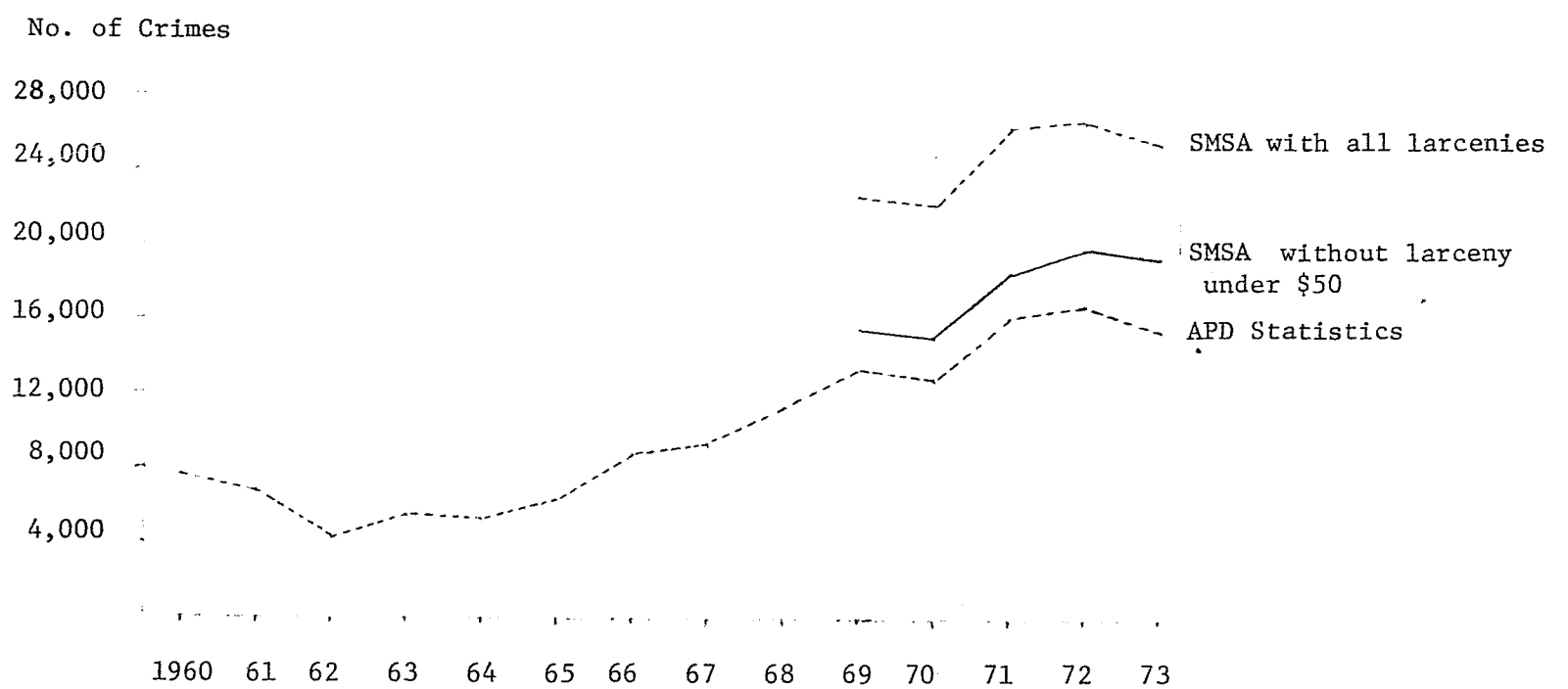


FIGURE 4. ALBUQUERQUE PART I CRIME TREND, 1960-1973



2. Narcotics. During 1971 Albuquerque implemented a Metropolitan Narcotics Enforcement Squad. Table 2 provides data on APD narcotics arrests, by type, for the three-year period, 1971-1973.

Hard drug arrests increased 153 percent over the three-year period, though they decreased more than 24 percent between 1972 and 1973. Many of these arrests were for possession for the purpose of sale. There was a decrease in total drug arrests of 5.7 percent in 1973 compared to 1972.

TABLE 2. ALBUQUERQUE NARCOTIC AND DRUG ARRESTS BY TYPE, 1971-1973 (APD)

<u>Type of Arrest</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>
Opium or cocaine and their derivatives (morphine, heroin, codeine)	131	437	331
Marijuana	554	727	743
Synthetic narcotics (demerol, methadone)	270	80	76
Other dangerous non-narcotic drugs (benzedrine, barbiturates)	<u>282</u>	<u>64</u>	<u>84</u>
Total Drug Arrests	1,237	1,308	1,234

B. Clearance of Crime by Arrest

Review of Table 3 shows that for 1971, the APD reported 15.6 percent clearance rate for Part I crimes. The 1972 Part I clearance rate decreased to 14.5 percent. These figures are lower than the national average rates, 20 percent in 1971 and 21 percent in 1972. Figures for 1973 show the APD clearance rate has increased to 28.4 percent. Changes in APD clearance rate by type of crime are illustrated in Table 3. For each type of crime, the clearance rate for 1973 was up from that of the previous year shown.

C. Youth and Crime

Table 4 presents comparative data on the ages of arrestees. It is apparent that no major shift has occurred among age groups. However, for those

TABLE 3. APD CLEARANCE RATE BY TYPE OF CRIME, 1971-1973

<u>Crime</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>
Murder/Non-negligent Manslaughter	90.3	82.6	96.3
Forcible Rape	64.0	66.2	75.0
Aggravated Assault	51.8	60.6	85.8
Robbery	35.0	43.5	51.3
Burglary	9.1	11.0	14.0
Larceny (\$50 and over)	4.8	5.6	9.4
Larceny (under \$50)	24.9	16.8	36.7
Auto Theft	8.9	11.8	18.6
Overall Part I Clearance Rate	15.6	14.5	28.4

TABLE 4. TOTAL APD ARRESTS BY AGE GROUPS, 1971-1973*

<u>Age group</u>	<u>No. Arrest</u> <u>1971</u>	<u>% of</u> <u>Total</u>	<u>No. Arrests</u> <u>1972</u>	<u>% of</u> <u>Total</u>	<u>No. Arrests</u> <u>1973</u>	<u>% of</u> <u>Total</u>
Under 13	559	3.1	325	1.7	401	2.3
13 - 17	4,903	27.1	4,386	23.0	4,382	25.5
18 - 20	3,035	16.8	3,089	16.2	2,659	15.5
21 - 24	2,821	15.6	3,183	16.7	2,839	16.5
25 - 29	1,716	9.5	2,138	11.2	2,032	11.8
30 - 34	1,248	6.9	1,549	8.1	1,455	8.5
35 - 39	1,020	5.6	1,070	5.6	1,008	5.9
40 - 44	789	4.4	970	5.1	777	4.5
45 - 49	749	4.1	849	4.6	652	3.8
50 and over	<u>1,232</u>	<u>6.8</u>	<u>1,482</u>	<u>7.8</u>	<u>977</u>	<u>5.7</u>
TOTAL	18,072	99.9	19,041	100.0	17,182	100.0

* Percentages may not total 100.0 exactly due to rounding off of numbers.

arrested for reported crimes overall, more than half were under 25 years of age for each year, 1971-1973. Of the total APD arrests in 1971, persons under age 25 accounted for 62.6 percent; in 1972, 57.6 percent; and in 1973, 59.8 percent.

Table 5 provides a breakdown of APD arrests for selected crimes by age group for 1971. The selected crimes include robbery; assault; possession of weapons; narcotic and drug offenses; burglary; larceny; buying, receiving, or possession of stolen property; and auto theft. These crimes were selected to avoid analytical distortions created by evaluating total arrests, which would include arrests for drunkenness, curfew violations, and miscellaneous other nonserious offenses. The 6,010 arrests recorded for these crimes represent 33.3 percent of all arrests made by the APD during 1971.

Table 6 provides the age breakdown of arrestees for the same selected crimes for 1972. The number of arrests (6,346) represents an increase of 5.6 percent over 1971, and accounts for 33.4 percent of all 1972 arrests.

Table 7 provides the same age and crime breakdown for 1973. The number of arrests (6,162) represents a decrease of 2.9 percent over 1972 for these selected crimes and accounts for 34.1 percent of all arrests in 1973.

Persons under 18 years account for more than one-third of the arrests for selected crimes for each of the three years; persons under 21 represent more than half of the arrests; and persons under 25 represent approximately three-fourths of the arrests on these more serious charges.

Table 8 indicates the percentages of arrestees under age 25 for each of the selected crimes for the three-year period 1971-1973. Breaking this down to specific crimes, more than three-fourths of those arrested for robbery, narcotics and drugs, burglary, larceny, and auto theft were under 25 in this time period. Over half of those arrested for stolen property and

TABLE 5. ARRESTS FOR SELECTED CHARGES BY AGE GROUP, CITY OF ALBUQUERQUE, 1971
Age Group Percentage of Total Arrests in Parentheses*

<u>Charges</u>	<u>Total Arrests</u>	<u>Under 18</u>	<u>18 - 20</u>	<u>21 - 24</u>	<u>25 - 29</u>	<u>30 - 34</u>	<u>35 - 39</u>	<u>40 & Over</u>
Robbery	204	78 (38.2)	51 (25.0)	32 (15.7)	25 (12.3)	9 (4.4)	6 (2.9)	3 (1.5)
All Assaults	765	141 (18.4)	146 (19.1)	146 (19.1)	100 (13.0)	76 (9.9)	50 (6.5)	106 (13.9)
Possession of Weapons	359	86 (24.0)	95 (26.4)	72 (20.1)	36 (10.0)	25 (7.0)	16 (4.5)	29 (8.1)
Narcotics and Drugs	1237	499 (40.3)	312 (25.2)	255 (20.6)	95 (7.7)	45 (3.6)	21 (1.7)	10 (0.8)
Burglary	565	336 (59.5)	100 (17.7)	55 (9.7)	36 (6.4)	20 (3.5)	11 (1.9)	7 (1.2)
Larceny	2385	1194 (50.1)	409 (17.1)	311 (13.0)	165 (6.9)	94 (3.9)	81 (3.4)	131 (5.5)
Stolen Property (Buying, re- ceiving, poss)	205	75 (36.6)	50 (24.4)	40 (19.5)	16 (7.8)	13 (6.3)	4 (2.0)	7 (3.4)
Auto Theft	290	168 (57.9)	56 (19.3)	32 (11.0)	13 (4.5)	8 (2.8)	2 (0.7)	11 (3.8)
TOTAL	6010	2577 (42.9)	1219 (20.3)	943 (15.7)	486 (8.1)	290 (4.8)	191 (3.2)	304 (5.1)
		<u>UNDER AGE 25</u>			<u>AGE 25 AND OVER</u>			
		4739 (78.9)			1271 (21.1)			

*Percentages may not total 100.0 exactly due to rounding off of numbers.

TABLE 6. ARRESTS FOR SELECTED CHARGES BY AGE GROUP, CITY OF ALBUQUERQUE, 1972
Age Group Percentage of Total Arrests in Parentheses*

Charges	Total Arrests	Under 18	18 - 20	21 - 24	25 - 29	30 - 34	35 - 39	40 & Over
Robbery	226	54(23.9)	75(33.2)	44(19.5)	21(9.3)	14(6.2)	6(2.7)	12(5.3)
All Assaults	799	76(9.4)	144(17.7)	156(19.2)	142(17.5)	72(8.9)	73(9.0)	136(17.0)
Possession of Weapons	393	79(20.1)	78(19.8)	92(23.4)	59(15.0)	26(6.7)	16(4.1)	43(10.9)
Narcotics and Drugs	1303	357(26.5)	369(27.4)	340(25.3)	141(10.5)	65(4.8)	15(1.1)	16(1.2)
Burglary	645	340(52.7)	101(15.7)	91(14.0)	56(8.7)	30(4.7)	16(2.5)	11(1.7)
Larceny	2470	1112(45.0)	459(18.6)	365(14.8)	203(8.2)	106(4.3)	69(2.8)	156(6.3)
Stolen Property (Buying, re- ceiving, poss)	225	70(31.1)	53(24.0)	42(18.7)	25(11.1)	15(6.7)	4(2.0)	16(7.1)
Auto Theft	286	150(52.4)	57(20.0)	33(11.5)	18(6.3)	13(4.5)	4(1.4)	11(3.8)
TOTAL	6346	2238(35.3)	1336(21.1)	1163(18.3)	665(10.5)	341(5.4)	203(3.2)	401(6.3)
		UNDER AGE 25			AGE 25 AND OVER			
		4737 (74.6)			1610 (25.4)			

*Percentages may not total 100.0 exactly due to rounding off of numbers.

TABLE 7. ARRESTS FOR SELECTED CHARGES BY AGE GROUP, CITY OF ALBUQUERQUE, 1973
Age Group Percentage of Total Arrests in Parentheses*

<u>Charges</u>	<u>Total Arrests</u>	<u>Under 18</u>	<u>18 - 20</u>	<u>21 - 24</u>	<u>25 - 29</u>	<u>30 - 34</u>	<u>35 - 39</u>	<u>40 & Over</u>
Robbery	237	66(27.8)	58(24.5)	56(23.6)	31(13.1)	10(4.2)	10(4.2)	6(2.5)
All Assaults	643	79(12.3)	99(15.4)	117(18.2)	117(18.2)	78(12.1)	56(8.7)	97(15.1)
Possession of Weapons	369	69(18.7)	79(21.4)	81(21.9)	44(11.9)	40(10.8)	25(6.8)	31(8.4)
Narcotics and Drugs	1302	402(30.9)	311(23.9)	298(22.9)	149(11.4)	69(5.3)	39(3.0)	34(2.6)
Burglary	704	379(53.8)	100(14.2)	109(15.4)	51(7.2)	36(5.1)	10(0.1)	19(2.7)
Larceny	2361	1303(55.2)	367(15.5)	259(11.0)	168(7.1)	102(4.3)	64(2.7)	98(4.2)
Stolen Property (Buying, re- ceiving, poss)	323	85(26.3)	70(21.6)	61(18.9)	40(12.4)	29(9.0)	10(3.1)	28(8.7)
Auto Theft	223	146(65.5)	35(15.7)	19(8.5)	10(4.5)	5(2.2)	2(0.9)	6(2.7)
TOTAL	6162	2529(41.0)	1119(18.2)	1000(16.2)	610(9.9)	369(6.0)	216(3.5)	319(5.2)
		<u>UNDER AGE 25</u>			<u>AGE 25 AND OVER</u>			
		4648 (75.4)			1514 (24.6)			

*Percentages may not total 100.0 exactly due to rounding off of numbers.

TABLE 8. PERCENTAGES OF ARRESTEES UNDER AGE 25 FOR SELECTED CHARGES 1971-1973 (APD)

	<u>1971</u>	<u>1972</u>	<u>1973</u>
Robbery	78.9	76.6	75.9
All Assaults	56.6	46.3	45.9
Possession of Weapons	70.6	63.3	62.0
Narcotics and Drugs	86.1	79.2	77.7
Burglary	86.9	82.4	83.4
Larceny	80.2	78.4	81.7
Stolen Property (Buying, receiving, poss.)	80.5	73.8	66.8
Auto Theft	<u>88.2</u>	<u>83.9</u>	<u>89.7</u>
TOTAL FOR YEAR	78.9	74.7	75.4

possession of weapons were in this age group for all three years; just less than half of those arrested for all assaults were under age 25 for the same time period. However, assault is the only crime that appears to be minimally related to age.

D. Re-definition of Part I Crime by FBI

Since January, 1973, the FBI has required that all larcenies, rather than just those over \$50, be reported as an element of the Part I Crime Index. With the inclusion of these statistics, the total number of offenses is substantially increased. Larceny under \$50 represented a 42.0 percent increase in the number of actual offenses in 1971, a 33.1 percent and a 31.4 percent increase in 1972 and 1973 respectively. Larceny under \$50 includes such crimes as picking pockets, purse snatching, stealing hubcaps, and shoplifting. Addition of these crimes delutes the strength of the Part I Crime Index as a measure of serious crime.

E. Expansion of SMSA

In April 1973, the Albuquerque SMSA was expanded to include Sandoval County, an addition of approximately 20,000 people. When the FBI publishes the 1973 statistics, it is expected to present crime rates for the modified SMSA. Sandoval County crime statistics were not centrally collected prior to this time. Comparative crime data for this new addition to the SMSA is not now available.

CHAPTER II. FUNCTIONAL DESCRIPTION OF TARGET

CRIMINAL JUSTICE SYSTEM

This chapter contains a description of a target system. The intent is to make explicit the criteria by which the current system is being evaluated and the rationale behind recommended experiments leading to change.

The organization of the chapter is based on the following functions of the criminal justice system:

- Definition of Crime/Criminal Activity
- Prevention of Crime
- Detection of Crime
- Apprehension of Criminals
- Pretrial Detention/Release
- Prosecution of Criminals
- Diagnosis
- Adjudication
- Disposition
- Treatment
- System Maintenance and Change

A. Definition of Crime/Criminal Activity

Specific tasks for fulfillment of this function of the criminal justice system include:

- Determination of what behavior should be subject to control by the total system.

-- Definition of crime.

-- Establishment of means for redefining crime in response to changing societal needs.

The purpose of criminal law is, traditionally, "to curtail socially threatening behavior through threat of punishment and the incapacitation and rehabilitation of offenders."* Further, criminal offenses ought to be limited to "those offenses which entail substantial harm to persons, property, and the state," and against which "the criminal law is generally accepted as (a) last and necessary resort."⁺ Such a statement of purpose provides a skeletal guide to the formulation of specific statutes and ordinances designed to define and regulate criminal behavior. At the same time, it presents problems for determining what "socially threatening behavior" elicits "substantial harm," how much harm is "substantial," and precisely what constitutes "harm."

It is the proper function of legally constituted legislative bodies to deliberate and make such determinations and then to enumerate a code of behavior within that framework. Great care should be taken, however, to refrain from extending the criminal sanction beyond fundamental offenses to include enforcement of public standards for private morality,[§] provision of social services defaulted by other public

*Sanford H. Kadish, "Overcriminalization" in Radzinowicz and Wolfgang, eds., Crime and Justice, Vol. I: The Criminal in Society.

⁺Ibid., p. 57.

[§]Examples include consensual heterosexual and homosexual acts, abortion, gambling, narcotics addiction. For discussion, see Radzinowicz and Wolfgang, pp. 58-63. See also Campbell, Sahid, and Stang, Law and Order Reconsidered, pp. 268-72, 600-21.

agencies,^{*} or provision of means by which police may do indirectly what the law directly forbids them to do.⁺

B. Prevention of Crime

Tasks for the fulfillment of the prevention function include:

- Determination of sanctions to be maintained by the total system for influencing and modifying behavior.
- Determination of allocations of corresponding punishment and rewards.
- Determination of action to be taken to eliminate conditions to which criminal behavior is a response.

Much of the responsibility for the prevention of crime lies outside the criminal justice system and with the larger social system, to ameliorate "the conditions of life that drive people to commit crimes and that undermine the restraining rules and institutions erected by society against antisocial conduct."[§] The President's Commission on Law Enforcement and Administration of Justice (1967) recommended a list of prevention tasks from which the following were drawn:

. . . reduce unemployment; re-examine welfare programs; improve housing and recreational activities; insure availability of family planning assistance, domestic management assistance and child care assistance, counseling and therapy, family activities, community activities; provide community residential centers; combat racial and economic segregation in schools; improve the quality and quantity of teachers and facilities in slum schools; raise aspirations and expectations of capable

^{*}Examples include drunkenness, bogus check and family nonsupport cases. For discussion, see Radzinowicz and Wolfgang, pp. 54-65.

⁺Examples include disorderly conduct and vagrancy-type laws. For discussion, see Radzinowicz and Wolfgang, pp. 66-69.

[§]The Challenge of Crime in a Free Society, A Report by the President's Commission on Law Enforcement and Administration of Justice (1967), p. 58.

students; revise non-college programs for students; develop job placement services in schools; reduce barriers to employment posed by discrimination, misuse of criminal records, rigid job qualifications, etc.*

Each of these clearly lies outside the authority and responsibility of the criminal justice system. However, various tasks should be undertaken by the criminal justice system to: (1) eliminate opportunity for crime to occur (target hardening concept), (2) cooperate and interact fully with parasystemic groups and agencies for early identification of predelinquent and precriminal behavior and subsequent channeling of such individuals into community activities and/or treatment programs, and (3) serve as a source of support for action by non-criminal-justice agencies that tends to ameliorate conditions conducive to crime.

C. Detection of Crime

Tasks identified for fulfillment of the detection function include:

- Provide appropriate police patrol to:
 - . Offer potential opportunity for those trained in crime detection to observe criminal activity as it occurs (and thus enhance opportunities for apprehension).
 - . Offer opportunity for rapid response to reported crime (and thus enhance opportunities for apprehension).
- Instruct citizens as to action they can take to maximize detection probability (e.g., target hardening, marking valuables, and creating public awareness of criminal modus operandi).

Fulfillment of the first task requires determination of procedures to be employed in discovering the occurrence of crime and/or those who have committed criminal acts. As with the prevention function, much

*Ibid., pp. 66-77.

of the responsibility for the detection of crime lies outside the criminal justice system and with the citizens of the community. Criminal justice system capabilities are necessarily limited by cost and practicality (i.e., the impossibility of patrol units being everywhere criminal acts may occur) and are for the most part restricted to patrol. However, coordination of communication and activities within and among law enforcement agencies and steps to increase citizen participation in detecting and reporting crimes will vastly improve system effectiveness with regard to the detection function.

D. Apprehension of Criminals

Tasks for fulfillment of the apprehension function include:

- Establishment of information networks within and among law enforcement agencies.
- Establishment of apprehension techniques.
- Establishment of fact-finding machinery.
- Establishment of programs of citizen awareness and cooperation in criminal apprehension.

Law enforcement agencies utilizing a common data base, cross-tabulation of crimes and criminal activity, and maintaining a high level of communication and coordination of investigation and apprehension activities foster increased effectiveness in fulfillment of this function.

E. Pretrial Detention/Release

Tasks identified for fulfillment of this pretrial detention/release function include:

- Establishment of objective criteria for determining release conditions.
- Establishment of an orderly means for detention of suspects.
- Establishment of an orderly means for release of suspects who are not detained (e.g., because of ability to post bail, acceptability for release on recognizance, or voluntary participation in pretrial diagnostic and treatment programs).

Once a suspected offender has been apprehended, the criminal justice system must make preparation for determining guilt or innocence. This occurs in succeeding functions and generally requires a time lag for case preparation by prosecution and defense. In the interim, some provision must be made for either releasing or detaining the suspect. While constitutional law protects the right of the accused to bail and prohibits excessive bail, many persons, in practice, are not released and must be detained until trial or until they can make bail. In other cases, the accused are released without bail (e.g., released on recognizance, or released because of voluntary agreement to participate in pretrial diagnostic and treatment programs). The decision to grant release is generally vested with a judge who may base his decision on a variety of (usually human) factors (e.g., probability that the accused will appear for trial, responsibility of the accused within the community, seriousness of the charge, prior record of the accused, etc.). In a functional sense, however, the primary tasks of the criminal justice system here are those outlined above.

F. Prosecution of Criminals

Tasks identified for fulfillment of the prosecution function include:

- Legal representation of society's interests in criminal cases.
- Determination of the appropriate route through the system for each case.
- Insurance of rights throughout the system.

Legal representation of the interests of society (the state) is a traditional and widely recognized task within the prosecution function. The interests of society, however, include not only retribution for deviant or criminal behavior, but insurance of defendant rights throughout the process, and determination of the appropriate route through the system for each case. This latter task requires the establishment of explicit and objective criteria for determining the circumstances under which each route through the system is appropriate (full criminal prosecution, disposition only, informal disposition, dismissal of charges, etc.). Early diversion of some cases from the criminal process, and disposition of many cases through a broad range of alternatives, can be achieved efficiently and openly. Many such important decisions (e.g., negotiating pleas and sentence recommendations) are essentially administrative in nature and are made outside formal court procedures. It is essential that these administrative procedures be visible and structured.

G. Diagnosis

Tasks identified for fulfillment of the diagnostic function include:

- Determination of means to assess ways in which the behavior of those committing offenses is to be modified to improve chances they will attain/maintain acceptable patterns of behavior.

- Formulation of recommendations as to the quantity and quality of assistance to be provided in rehabilitating the offender.
- Formulation of programs to aid individuals needing welfare, medical, marital assistance, etc.

Complete presentence reports should be prepared in all cases.

At a minimum, however, presentence reports should be prepared in all felony or serious misdemeanor cases or where the defendant is a juvenile, where he is a first offender, or where there is a reason to assume he will be placed on a probation or sentenced to an extended term (one year or more). Where full presentence reports are not prepared, basic sentencing information should be provided, including the defendant's prior criminal record, his family status, and education and employment history, as well as financial and physical conditions.

Full presentence investigations present only a limited opportunity to observe defendant behavior and assess treatment needs. Screening and diagnostic resources should be developed at every point of significant decision within the system. To provide more information to sentencing courts, in all cases of felony or serious misdemeanor, diagnostic facilities should be utilized to administer psychological and physical examinations to prisoners during brief periods of confinement and report findings and recommendations to court before a final sentence is imposed. In addition, following sentencing, all commitments for an extended term (one year or more) should include complete diagnostic study. The subsequent report would suggest a correctional program keyed to offender needs and facilities available.

H. Adjudication

Tasks for fulfillment of the adjudication function include:

- Establishment, only on the basis of valid admission of allegations or their establishment by evidence, of guilt or innocence.
- Establishment of means for orderly expedition of cases through the system (operationalizing defendant's right to "speedy trial").

"Conviction" occurs in one of two ways--early diversion of some cases from the formal judicial process upon a valid admission of guilt and subsequent formal or informal disposition through appropriate facilities, or trial by judge or judge and jury. (The enumeration of objective procedures for determination of cases to be diverted was cited in discussion of the prosecution function). Whether diverted or channeled through formal court proceedings, adjudication is the occurrence of a major decision point in the system, determination of defendant exit from the system, or initiation of treatment for the offender. The need for rapid adjudication of offenders is well documented, and operationalization of this procedure may be accomplished by requiring adjudication within sixty days of arrest and appeal within ninety days of arrest. Implementation of this goal is under way; trial is now being held thirty days from date of arrest in the Second Judicial District.

I. Disposition

Tasks for fulfillment of the disposition function include:

- Maintenance of appropriate policies and procedures for personal and public safety.

- Establishment, on the basis of presentence and/or diagnostic reports, of the most meaningful way in which the behavior of the offender can be modified to maintain socially acceptable patterns of behavior (to reduce the likelihood of return to the system).

No decision in the criminal process is more important, complicated, or difficult than the one concerned with sentencing. A sentence prescribes punishment and lays the foundation of attempts to rehabilitate the offender. It also attempts to ensure that he does not endanger society and to deter others from committing similar crimes. Many times these objectives seem to be mutually inconsistent. A sentence is in large part a prediction: How will an offender behave under certain conditions, and how will those conditions affect his future behavior? "Wise and fair sentencing requires intuition, insight and imagination; at present it is less a science than an art."* Every effort must be made to improve understanding of the ways different offenders respond to different types of correctional treatment. To this end, the systematic gathering and analysis of sentencing and treatment data for large numbers of offenders is necessary to maximize the predictive value of the sentencing decision.

J. Treatment

Tasks enumerated for fulfillment of the treatment function include:

- Maintenance of an orientation which attempts to match treatment techniques with the goal of rehabilitating

*The Challenge of Crime in a Free Society, p. 141.

the offender, as opposed solely to punishment "fitting" crimes.

- Implementation of diagnostic recommendations.
- Implementation of corrective programs.
- Establishment of means for instituting and evaluating new (experimental) programs of treatment (continuing attempts to develop methods and skills which aid in reintegrating offenders into society).
- Establishment of means of attaining resources and maintaining current information as to the availability of community-based treatment capabilities (including sufficient service-purchase funds for meeting individual offender needs which cannot otherwise be met).
- Establishment of means of providing feedback or treatment results to adjudicative agencies.

Many of the people, juvenile and adult, with whom corrections deals are the most troublesome and troubling members of society: the misfits and the failures, the unrespectable and the irresponsible If (corrections) could restore all or even most of these people to the community as responsible citizens, America's crime rate would drop significantly.*

There is much evidence to indicate that crime and delinquency are symptoms of disorganization of the community as well as individual personalities. Community institutions play a critical role in determining the success or failure of individual offenders. The goal of reintegrating offenders into society, then, is likely to be furthered more readily by working with offenders in the community than by incarceration. This does not preclude incarceration of offenders who are dangerous to society until such time as they are no longer a threat, but for the majority of offenders, institutional commitments

*Ibid., p. 159.

tend to cause more problems than they solve.

The responsibility for community treatment and supervision is mainly entrusted to probation and parole services. Approximately two-thirds of the total corrections caseload (nationwide) is under probation and parole supervision, so the central question becomes one of how to handle offenders in the community safely and successfully, rather than whether to handle offenders in the community. The following list represents immediate goal-tasks for treatment (corrections) in the target system.

1. Probation and parole services available for all offenders who can profit from community treatment, based on an average ratio of 35 offenders per officer.
2. Classification and assignment of offenders according to their needs and problems, together with varying caseloads for different types of offenders and different types and intensity of treatment.
3. All corrections personnel selected solely on the basis of competence, trained and supervised in their task roles, and required to serve full time, being compensated accordingly.
4. Use of volunteers and subprofessional aides in demonstration programs as well as regular programs.
5. Local jails and misdemeanor institutions administered by corrections system rather than by law enforcement agencies.
6. Expansion of graduated release and furlough programs accompanied by guidance supervision and coordinated with community treatment programs.
7. Development of explicit standards and administrative procedures to enable those under correctional control to test the fairness or appropriateness of decisions affecting them, including the independent monitoring and review of actions of correctional staff.
8. Continual upgrading of educational and vocational training programs and extension to all offenders who might profit from them.

9. Progressive reduction of the duration of institutionalized treatment in favor of community-oriented alternatives.

K. System Maintenance and Change

Tasks enumerated for fulfillment of this function include:

- Establishment of monitoring mechanisms for total system performance (control mechanisms for effective supervision).
- Regular and systematic review of organization of total system for performance of all systemic functions in terms of distribution of power and responsibility.
- Establishment of means for modifying and/or adapting the system's operational structure (implementation of disciplinary policies and procedures within and among agencies).
- Maintenance of information intake, transmission, and exit mechanisms for policy-making.
- Determination of means by which system personnel are to be accountable to the public for both individual and system performance.
- Establishment of programs to keep the public and its representatives informed of system performance and needs.
- Maximization of the quality of "justice" to be provided the individual at each stage in the process.
- Determination of who is to perform all system functions, establishment of manpower requirements, task descriptions, training and education policies, and recruitment procedures (creation of comprehensive personnel policies involving promotion and disciplinary practices).
- Determination of means of promoting vitality of the bureaucracy as an impersonal, objective system with independent needs, goals and challenges which go beyond consideration of system performance.

The criminal justice system should be maintained and appropriately modified as a total system. If any particular element is strengthened or otherwise modified, this action should be justified on the basis of its impact on the total system.

Another view of this characteristic of a target system is that when an individual violates society's laws he should be processed by an appropriate series of responsible individuals in such a way that each step of the process holds functional relationship to the total process.

Still another view is that there should be an appropriate balance between the goals and rules of the system and the resources available for its administration. For example, the great desire for diversion of cases from the system seems to be explained in terms of:

- (1) lack of resources available to enforce the pertinent rules, and
- (2) the minor nature of the pertinent rules and infractions. In the target system it cannot be argued that resources should be available for 100 percent of enforcement with respect to all violations. However, it should be understood that a rule is a rule and when a violation is detected, resources should be available to provide for full processing of the offender.

In the target system, information should be systematically maintained, processed, and disseminated so that adequate information is provided to citizens and to their elected representatives. So long as organizational fragmentation characterizes the system, special steps must be taken to construct a committee or conference type of organization which can guide the systematic recording, collecting, analysis, and publication of appropriate information concerning the system. This same group should be responsible for formulation and enforcement of managerial rules which reflect and implement the intent of the public and legislatures as to the proper functioning

of the system. To the extent that certain functions become consolidated, fewer persons would need to serve on such a committee or participate in such a conference. Information should be collected so as to provide feedback of two types. One is "negative feedback," wherein action that is in error in terms of its functional effects on the system is detected and appropriate action taken to correct practices leading to such errors. The other is "goal-changing feedback," which involves a broad view of the functioning of the system and appropriate action to modify goals in relation to changing needs or environment.

So long as organizational fragmentation is maintained, it is necessary to arrange for staff work to be performed, preferably by persons in an objective capacity, to support those system leaders who must operate in committee fashion. This staff, operating in concert with the system committee, would have the objective of compensating for the effects of fragmentation of the agencies.

CHAPTER III. IDENTIFICATION OF PRIORITIES FOR IMPROVEMENT

The Pilot City Program staff involved approximately one hundred members of the community at large and professionals within the Albuquerque/Bernalillo County criminal justice system in a project to identify and rank fundamental objectives and associated activities of a criminal justice system.* Listed objectives, and their rankings according to relative importance, were correlated with the functions enumerated in the target system (see Table 9).

TABLE 9. CORRELATION OF CRIMINAL JUSTICE
OBJECTIVES WITH FUNCTIONS

<u>Objectives</u>	<u>Assigned Weights^a</u>	<u>Functions</u>
1. Reduce the reentry of offenders into the criminal justice system by providing appropriate community-based treatment of nondangerous offenders, rehabilitating incarcerated offenders, and providing constructive supervision of probationers and parolees.	19	Prevention Diagnosis Treatment
2. Prevent crime through community action that minimizes the motivation and opportunity for criminal acts.	17	Prevention
3. Deter crime by increasing the probability of apprehending the criminal.	11	Prevention Apprehension
4. Provide defendants a speedy trial.	8	Prosecution

^aSee Criminal Justice Objectives (Footnote 1), p. 4.

*Criminal Justice Objectives and Activities: Definition and Assessment of High Priority Needs for Improvement, A Report of the Criminal Justice Program (November 1971).

Table 9 (continued)

<u>Objectives</u>	<u>Assigned Weights^a</u>	<u>Function</u>
5. Ensure, through community participation and other means, a public awareness of criminal justice problems and operations.	8	System Maintenance and Change
6. Provide quality legal representation for all defendants.	7	Prosecution
7. Ensure humane treatment of all persons by criminal justice personnel.	6	System Maintenance and Change
8. Protect the community by detention of dangerous offenders.	5	Pretrial Detention/Release Disposition
9. Ensure that the law conforms to community norms and is enforceable.	4	Definition
10. Recognizing that a small percentage of persons arrested are brought to trial, establish policies and controls governing the selection of alternatives to trial.	4	Prosecution
11. Assure consistent sentencing practices appropriate to the crime and the offender.	4	Diagnosis Disposition
12. Maximize the number of offenders who are brought to trial.	4	Prevention Prosecution
13. Increase the rate of convictions of guilty persons for offenses committed.	3	Prosecution Adjudication
	<u>100</u>	

^aCriminal Justice Objectives, p. 4.

A rank-order of functions was thus derived, based on community and professional assessment of importance.

1. Prevention
2. Treatment
3. Prosecution
4. Diagnosis
5. Disposition
6. System Maintenance and Change
7. Apprehension
8. Pretrial Detention/Release
9. Definition
10. Adjudication
11. Detection

A second rank-order of functions was derived similarly from a more recent survey of community attitudes toward Albuquerque's crime problems.* Various anticrime measures were ranked on the basis of percentage of community agreement with their effectiveness in dealing with crime. The measures were then identified with target system functions which they seemed to fulfill (see Table 10).

TABLE 10. CORRELATION OF ANTICRIME MEASURES WITH FUNCTIONS

<u>Anticrime Measures (Ranked)</u>	<u>Assigned Weights^a</u>	<u>Functions</u>
1. Stricter enforcement by judges	11	Pretrial Detention/ Release, Adjudication, Disposition
2. Community youth programs	10	Prevention, Treatment
3. Enlargement of police force	9	Prevention, Apprehension
4. Rehabilitation programs for youthful offenders	8	Diagnosis Treatment
5. Improve quality and training of police	7	Detection Apprehension
6. More antipoverty programs	6	Prevention, Diagnosis
7. Addict rehabilitation programs	5	Diagnosis, Treatment
8. Stronger laws and penalties	4	Definition, Pretrial Detention/Release, Disposition
9. Get addicts off street	3	Prosecution, Disposition

^aRanking order was reversed and assigned as weight values.

*
Police/Community Cooperation and Understanding Evaluation Project, Vol. I: Survey Findings, A Report of the Criminal Justice Program (August 1972), pp. 171, 175.

Table 10 (continued)

<u>Anticrime Measures (Ranked)</u>	<u>Assigned Weights^a</u>	<u>Functions</u>
10. Stricter police enforcement	2	Prevention Apprehension Prosecution
11. More modern police equipment	1	System Maintenance and Change

^aRanking order was reversed and assigned as weight values.

The second rank-order of functions was thus derived, based on community assessment of effectiveness:

1. Prevention
2. Treatment
3. Diagnosis
4. Pretrial Detention/Release
5. Disposition
6. Apprehension
7. Adjudication
8. Detection
9. Prosecution
10. Definition
11. System Maintenance and Change

The two rankings of functions were then averaged to obtain a list of system functional priorities for improvement (see Table 10).

TABLE 11. RANKING OF FUNCTIONAL PRIORITIES

<u>Functions</u>	<u>Rank^a</u>	<u>Rank^b</u>	<u>Rank Average</u>	<u>Priority</u>
Definition	9	10	9.5	10.5
Prevention	1	1	1	1
Detection	11	8	9.5	10.5
Apprehension	7	6	6.5	7
Pretrial Detention/ Release	8	4.5	6.25	6
Prosecution	3	9	6	5
Diagnosis	4	3	3.5	3

^aDerived from Table 9 (importance).

^bDerived from Table 10 (effectiveness).

Table 11 (continued)

<u>Functions</u>	<u>Rank</u> ^a	<u>Rank</u> ^b	<u>Rank</u> <u>Average</u>	<u>Priority</u>
Adjudication	10	7	8.5	8.5
Disposition	5	4.5	4.75	4
Treatment	2	2	2	2
System Maintenance and Change	6	11	8.5	8.5

^aDerived from Table 9 (importance).

^bDerived from Table 10 (effectiveness).

This process revealed the following combined professional and public assessment of the relative importance and effectiveness of the various criminal justice system functions in terms of priorities for improvement:

Functional Priority 1: Prevention
 Functional Priority 2: Treatment
 Functional Priority 3: Diagnosis
 Functional Priority 4: Disposition
 Functional Priority 5: Prosecution
 Functional Priority 6: Pretrial Detention/Release
 Functional Priority 7: Apprehension
 Functional Priority 8: Adjudication/System Maintenance and Change
 Functional Priority 9: Definition/Detection

From this list, the first six functional priorities have been selected for analysis and recommendations for improvement by the Criminal Justice Program staff.

CHAPTER IV. DESCRIPTION OF PROBLEM PRIORITY AREAS

This chapter is devoted to a discussion of each of the high functional priority areas identified in Chapter III in terms of:

1. Current policies, procedures, and conditions as they relate to both the juvenile and adult criminal justice systems.
2. Identification of shortcomings in current policies, procedures, and programs in relation to the target system.

A. Functional Priority 1: Prevention

The functional tasks presented in Chapter III related to fulfillment of crime prevention were:

- Determination of sanctions to be maintained by the total system for influencing and modifying behavior.
- Determination of allocations of corresponding punishment and rewards.
- Determination of action to be taken to eliminate conditions to which criminal behavior is a response.

The first two tasks may be considered as addressing the problem of crime prevention through deterrence, and their fulfillment reflects the degree to which the criminal justice system fulfills functions dealing with crime after it occurs (especially in the areas of diagnostics, pretrial detention/release, disposition, and treatment). These tasks reflect society's concern that the criminal justice system deal effectively with known offenders in such a way that: (1) recidivism is prevented, and (2) potential offenders

reduce truancy. The project creates counseling teams composed of APD officers, probation officers, school counselors and social workers. Law enforcement officers who pick up truants during school hours (or other juveniles after school hours) are able to refer them to the school counseling teams, rather than releasing them or turning them over to the Juvenile Probation Office. The project became operational in the fall of 1973.

The principal tools used to eliminate motivation to commit crime are, broadly speaking, education, communication, and coordination by criminal justice system agencies, other governmental agencies (mainly schools), and private organizations. The APD Juvenile Division's school detail currently consists of nine detective/patrolmen, who, according to the lieutenant in charge of the Juvenile Division, are responsible for crime prevention and public relations and team participation as outlined above. They are to interact with the school system by speaking to classes about police work, crime, and drugs. The school detail is the only organized effort within the system specifically aimed at performing the function of prevention.

Also within the APD is an officer, under direct supervision of the chief, whose title is community relations officer. As such, he maintains liaison with nonsystem agencies and citizen groups in an effort to educate them about police work and crime prevention. One of the nonsystem agencies with which he communicates regularly is the Southwest Valley Youth Development Center, a grass-roots-inspired, federally funded project specifically aimed at the prevention of juvenile crime in the Southwest Valley.

The staff of the Juvenile Probation Office of the Second Judicial District has, when asked, spoken to groups about crime prevention, as have the juvenile officers within the Bernalillo County Sheriff's Office, the staff of the Bernalillo County Juvenile Detention Home, and the Children's Court Judge.

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1 OF 3

There is one aspect of the juvenile justice system that is significantly different from the adult system. There is a concerted effort to avoid court action in cases where the juvenile admits involvement in nonserious delinquent or predelinquent activities and the Juvenile Probation Office believes that court action would not serve a useful purpose. There are two logical reasons for this course of action: (1) it avoids stigmatizing the juvenile by official court action, and (2) it tends to reduce the workload of the Children's Court judge to a tolerable level.

In a very real sense, the result of this diversion effort is that the community relies on the Juvenile Probation Office to prevent nonserious juvenile offenders from progressing to more serious offenses. The Juvenile Probation Office makes an effort to provide unofficial supervision and to refer troubled youths and their families to sources of help in the community. Thus, an overworked Juvenile Probation Office is expected to take meaningful action in nonserious cases. This detracts from its ability to deal effectively with the more serious official probation cases.

Similarly, law enforcement officers frequently admonish youths involved in nonserious activities and release them rather than referring them to the Juvenile Probation Office. This, too, is done in an effort to avoid stigmatizing them with a juvenile record.

Thus, there is a very real gap in the community in dealing with youngsters who appear to be headed toward serious involvement with the criminal justice system. The Southwest Valley Youth Development Center and current efforts by school counseling officials and health and social service agency officials are attempts to fill this gap, but at present they are too limited in scope, area of operation, and level of coordination with other agencies or available resources to make a significant preventive impact

on the city's juvenile crime problem. The Pilot Cities police/school counseling team project was designed to help fill this gap, but much more needs to be done, especially in terms of coordination and marshalling of available community resources.

This need is especially critical since the potential for success increases when preventive action is undertaken during the early stages of a child's development -- long before the child becomes involved with the criminal justice system. Therefore, primary responsibility for action should be vested with the family, the schools, and other community institutions.

b. Adult crime prevention. Little is being done to reduce opportunity for adults to commit crime except action being taken by law enforcement agencies. This action consists mainly of preventive patrol (which is designed as deterrent action and is closely related to the functions of detection and apprehension) and target hardening (which involves communication with the public).

The APD Community Relations Unit operates a program called Operation Identification, which enables residents to mark their property with their social security numbers, register their marked property with the APD computer system, and place stickers on their windows to advise potential burglars that their property has been marked and registered with the APD. This program appears to be highly successful as a deterrent. Few burglaries have been committed against participating residents.

Aside from this program, the APD Community Relations Unit also assigns officers to speak to civic groups about ways in which they can prevent crime by reporting suspicious activity in their neighborhoods and by target hardening (improving their locking systems, closing garage doors, etc.). This activity is carried on only in a very limited way. The assignment of a

city information officer to law enforcement activities should increase such information dissemination to the community.

Albuquerque/Bernalillo County has the normal complement of agencies working indirectly toward eliminating motivation to commit crimes. These include drug and alcoholism treatment, drug abuse education, mental health, social welfare, and similar programs. Their primary thrust is one of solving social ills, thereby reducing the community's breeding ground for criminal activity. There appears to be little coordination between these programs and those agencies working specifically toward crime prevention.

The Chamber of Commerce has established a Crime Prevention Task Force in an effort to marshal community resources in the attack on crime. Many of the subcommittees of this task force concern themselves with an examination of the effectiveness of various components of the criminal justice system (functional tasks 1 and 2). Four of them, however, are directed toward eliminating opportunity and motivation to commit crime: (1) the Drug Abuse Subcommittee (concerned with efforts to rehabilitate addicts and remove their need to commit crime to support their habits), (2) the Public Information and Education Subcommittee (concerned with communicating with the public on ways in which they can prevent crime), (3) the Subcommittee on Burglary (concerned with target hardening, street lighting, etc.), and (4) the Subcommittee on Security and Crime Prevention in Martineztown (concerned with examining the physical plans for urban renewal in Martineztown from the viewpoint of reducing susceptibility to criminal activity). A recent LEAA grant has enabled the Chamber of Commerce to develop a target hardening and community education program.

Many of the programs described above (especially the law enforcement/school activity on the juvenile crime front and the efforts of the Crime Prevention Task Force) have been undertaken so recently that it is impossible to assess their impact. It is apparent that public awareness and citizen involvement in crime prevention have been heightened considerably in recent months. Much of this awareness is due to the public announcement by the FBI that Albuquerque had the highest rate of crimes per capita of all standard metropolitan statistical areas in the nation during calendar year 1971 and again in 1972.

One of the problems in assessing the true impact of crime prevention programs is that it is impossible to measure the number of crimes not committed. However, if an impact can be made on the upward trend of crime in Albuquerque/Bernalillo County, it can be assumed that crime prevention efforts are contributing, even though we cannot allocate specific portions of the credit to deterrent efforts (those resulting from the effectiveness of other criminal justice system functions) or to efforts to eliminate opportunity and motivation.

If we can assume that the same portion of crimes committed is being detected and reported this year as last year, then the slowdown in Albuquerque's upward crime rate trend apparent in the last few months must be partly due to crime prevention efforts.

This initial success should spur the community and the criminal justice system to increased activity on the crime prevention front. The city should not lose the impetus already established by becoming complacent or overly confident of the long-term effect of its work to date. The discussion of current conditions above point to some significant shortcomings that still exist, such as:

- Need for programs to prevent the progression of troubled youths from predelinquent to delinquent activity.
- Lack of coordination in criminal justice system and non-criminal-justice system efforts to help predelinquent youth (especially in referral and followup services).
- Need for recreational programs, employment, and other organized activities to reduce the opportunity for juveniles to become involved in delinquent activity during their leisure hours.
- Need for communication between those agencies and private organizations trying to eliminate opportunity to commit crimes and those agencies and private organizations trying to eliminate motivation to commit crimes.
- The need to offer alternatives to law enforcement and probation officers who do not wish to pursue formal processing of juveniles for non-serious offenses beyond simply releasing them to their parents.
- Need to expand citizens' education concerning target hardening and other crime prevention techniques and to provide them with information (e.g., concerning modus operandi of burglars) that will enable them to become watchful, crime-prevention-oriented citizens.

B. Functional Priority 2: Treatment

The functional tasks presented in Chapter III related to the fulfillment of the treatment function were:

- Maintenance of an orientation which attempts to match treatment techniques with the goal of rehabilitating the offender, as opposed to punishment "fitting" crimes.
- Implementation of diagnostic recommendations.
- Implementation of corrective programs.
- Establishment of means for instituting and evaluating new (experimental) programs of treatment (continuing attempts to develop methods and skills which aid in reintegrating offenders into society).

-- Establishment of means of attaining resources and maintaining current information as to the availability of community-based treatment capabilities (including sufficient service-purchase funds for meeting individual offender needs which cannot otherwise be met).

-- Establishment of means of providing feedback on treatment results to adjudicative agencies.

1. Description of current conditions.

a. Treatment of juvenile offenders. In its broadest sense, treatment of juvenile offenders occurs throughout the system. Treatment begins with the arrest and the referral to the Juvenile Division of the Albuquerque Police Department or the juvenile officers of the Bernalillo County Sheriff's Office. Statistics from 1971 indicated that the Albuquerque Police Department Juvenile Division handled 10,692 cases but referred only 3,830 to the Juvenile Probation Office. Some of the 6,862 not referred to the Juvenile Probation Office were not referred because the detective/patrolmen were of the opinion that the shock of arrest and the counseling received in the Juvenile Division was the only treatment needed. For some, such a shock and the counseling provided undoubtedly were effective treatment. The juvenile officers in the Bernalillo County Sheriff's Office operate under the same philosophy and couple their counseling with referral to nonsystem resources, principally the Southwest Valley Youth Development Project.

Treatment also occurs at the Bernalillo County Detention Home where the staff and a large group of volunteers, operating without diagnostic information, attempt to provide treatment for their wards. They focus on educational, recreational, and social development during the relatively short time they have custody of the juvenile.

The principal treatment agency within the juvenile justice system is the Juvenile Probation Office. Combining unofficial and official probation supervision, 768 juveniles were placed on probation in 1972. As of

December 31, 1972 there were 1,160 official probationers and 493 unofficial probationers being supervised by the eleven probations officers. Thus, there were 150 probationers per probation officer in 1972, a figure four times the standard set by the National Council on Crime and Delinquency and the American Corrections Association.

Treatment under probation supervision, either official or unofficial ("official" is imposed by the Children's Court judge, "unofficial" is imposed by the staff of the Juvenile Probation Office), involves counseling with the juvenile and, on occasion, his parents, and referral to nonsystem resources. Until a recent re-organization probationers were scheduled for appointments with their probation officer in the Juvenile Probation Office in the Bernalillo County Courthouse on a periodic basis (once a week, once a month, etc., depending on the degree of supervision needed as determined by the probation officer). The probationer appeared, current problems were discussed, and solutions to those problems were worked out. Visits to the probationer's home, school, or job were seldom made. The recent re-organization created a field service unit which allows supervising probation officers to conduct most of their work in the community in the social milieu in which the probationer interacts.

The Juvenile Probation Office, working in conjunction with the Bernalillo County Mental Health Center, has developed a treatment program for first offender drug abusers called the Children's Court First Offender Drug Abuse Program. This program involves counseling between the juvenile and his parents and the staff of the program. Its goal is drug abuse education and the development of a better understanding of why the juvenile is using drugs. To date, 168 juveniles and their families have been involved and, as of

January 1973, 27 families were involved. The program is seven weeks in duration, with a followup six months after completion. During this period, the juvenile is under probation supervision.

Casa Hogar, Inc., is a long-term halfway house treatment facility, privately financed. It provides housing for selected probationers and children from other agencies who, because of family problems, cannot live at home. At present, 14 juveniles are in residence receiving maintenance, counseling, and referral to nonsystem resources.

The New Mexico Boys' School and the New Mexico Girls' School are institutional treatment settings operated by the New Mexico Department of Corrections for a relatively small number of Albuquerque/Bernalillo County juvenile offenders. They provide education, vocational training, counseling, and psychological therapy in a secure setting based on diagnoses made by their staff and the staff of the Juvenile Probation Office. Release from either institution is a decision of the Parole Board, and once released the juvenile is on parole under supervision of the youth parole officer of the Department of Corrections. Treatment continues in the form of counseling and referral to nonsystem resources.

b. Treatment of adults. In the adult system, organized, structured, treatment does not begin until after sentencing. The Adult Probation Office, unlike the Juvenile Probation Office, is not an arm of the court but is a division of the State Department of Corrections. It does not interact with the offender until after he has been found guilty and the judge has asked the Probation Office to prepare a pre-sentence report.

Treatment for adults convicted of felonies or serious misdemeanors is provided by the Department of Corrections at its penitentiary at Santa Fe and subsequent parole supervision, or through its probation office. Treatment for adults convicted of minor misdemeanors (local ordinance violations)

is provided at local jails (Montessa Park or the County Jail) or by the City Probation Office.

The New Mexico State Penitentiary at Santa Fe is a relatively new facility, currently operating at less than capacity. It provides a wide range of treatment opportunities in keeping with modern penal philosophy. Vocational training, psychological counseling, and academic education, including college courses, are available.

Parole and probation supervision for adults follows the traditional casework philosophy. Both are administered by the same office. The distinction between the two is that parole is an executive determination made by the Parole Board and follows postconviction service of sentence in confinement, and probation is a judicial determination ordered by the judge in lieu of incarceration. Treatment philosophy and methodology are the same. One parole or probation officer is responsible for a given number of clients. He is to ensure that the client abides by the conditions and rules of probation or parole, is law abiding, and is introduced to agencies within the area which can be of benefit to him (e.g., job counseling and placement, education programs, family services, etc.). In Albuquerque, the Adult Probation and Parole Office is overworked and understaffed. Recently it has also had to take on the responsibility of conducting release on personal recognizance bail interviews. An innovation, the use of volunteers, has been started to supplement the staff.

2. Shortcomings of present process.

Both adult and juvenile systems are overworked, understaffed, and underfinanced. When such negative forces exist in an agency that must provide both treatment for clients and "paper processing" to maintain the smooth function of the system, treatment for clients becomes a secondary task.

Operating under the daily strain of completing paperwork for court appearances, parole hearings, etc., the staff is unable to devote the needed attention to the clients and is effectively prevented from developing new methods of treatment or keeping up with national developments in treatment methodology. In this way the treatment staff becomes provincial and stagnant. This appears to be the current situation in the Adult Probation and Parole Office and was the situation in the Juvenile Probation Office until the recent re-organization which resulted in a division of labor; one unit handling processing and another supervision.

An overworked staff is unable to achieve an intense, meaningful relationship with the client, and treatment, therefore, tends to fail. This is especially true in working with juveniles, who are more inclined to become dependent on the probation officer for friendship, help, and advice. If, because of the sheer number of cases, a probation officer can devote only 15 to 30 minutes a month to a juvenile, the treatment approach, no matter what it is, will be less effective and probably doomed to failure.

C. Functional Priority 3: Diagnosis

The functional tasks presented in Chapter III related to the fulfillment of the diagnostic function were:

- Determination of means to assess ways in which the behavior of those committing offenses is to be modified to improve chances they will attain/maintain acceptable patterns of behavior.
- Formulation of recommendations as to the quantity and quality of assistance to be provided in rehabilitating the offender.
- Formulation of programs to aid individuals needing welfare, medical, marital assistance, etc.

1. Description of current conditions.

a. Diagnosis of juvenile offenders. The underlying philosophy of the juvenile justice system is the clinical model, that is, the deviant behavior of the juvenile is symptomatic of an "illness," which must be diagnosed and cured. At all stages of interaction between the juvenile (and his parents and/or guardian) and the elements of the system, diagnostics occur, but it is only within the Juvenile Probation Office that diagnostics approach a scientific analysis of factors suspected to be causative.

For example, the arresting officer makes his decision to arrest or not arrest based on his prior knowledge (if any) of the juvenile, the attitude and appearance of the juvenile, the attitude of the victim, the situation of the moment, the seriousness of the alleged offense, and other factors. All other decisions made within the system involve the same types of factors.

Once the juvenile enters the Juvenile Probation Office, diagnostics are elevated to a higher, more scientific, less emotional, and more organized plane. Within this office diagnostics occur at two levels. First, information about the juvenile is gathered and a diagnosis made to facilitate the decision as to whether the case should go forward to the court for adjudication and official disposition. Second, information about the juvenile is gathered and a diagnosis made to decide what that disposition should be. These are two distinct, but interrelated, legally imposed tasks.

Section 8 A of the 1972 New Mexico Children's Code states:

Section 8. POWERS AND DUTIES OF PROBATION OFFICERS

A. To carry out the objectives and provisions of the Children's Code, but subject to its limitations, probation officers have the power and duty to:

- (1) receive and examine complaints and allegations that a child is a delinquent child or a child in need of

supervision for the purpose of considering beginning a proceeding under the Children's Code in the court;

- (2) make appropriate referrals of cases presented to him to other agencies if their assistance appears to be needed or desirable;
- (3) make predisposition studies and submit reports and recommendations to the court;
- (4) supervise and assist a child placed on probation or under his supervision by court order;
- (5) provide marital and family counseling; and
- (6) perform any other functions designated by the court.

The first level of diagnostics occurs in the performance of legislative duty one. The second level of diagnostics occurs in the performance of duty three.

The Juvenile Probation Office for the Second Judicial District is staffed by a chief, an intake officer, eleven probation officers, and seven clerical personnel. During 1972 the staff processed 4,203 new cases. When a new case arrives in the Juvenile Probation Office, it generally arrives from a law enforcement agency (90% did in 1972, 87% from the Albuquerque Police Department) in the form of a copy of the arrest report and supplemental reports (if any), a copy of the report prepared by the Juvenile Division referring the case to the Juvenile Probation Office, or a copy of the citation. Diagnosis is immediately (within a day) performed by the intake officer. Using only the information contained in the reports from the police and any information which the Juvenile Probation Office may have in its files, the intake officer assigns the case to a probation officer and recommends a course of action to be followed by that officer. That course of action is usually one of three:

- a. Refer case to nonsystem resource.
- b. Process case but do not forward case to the Children's Court for adjudication and/or disposition.

- c. Prepare case for forwarding to the Children's Court.

In 1972, courses of action for the 4,203 cases were:

- a. A total of 1,164 (28%) were referred to nonsystem resources, usually parents or guardian.
- b. A total of 2,167 (52%) were handled by the Probation Office but not forwarded to the Children's Court.
- c. A total of 872 (21%) were petitioned to the Children's Court.

Factors involved in this first level of diagnosis are seriousness of the offense, prior record of the alleged offender, the attitude of the offender and his parents or guardian as revealed in the police report, and the attitude of the victim as revealed in the police report.

The second level of diagnosis involves, to a greater extent, the application of the sciences of sociology, social work, and psychology and is directed at understanding the juvenile and his interaction with his social milieu. Unlike the first level of diagnosis, the second level involves the writing of a formal report which outlines the social history of the juvenile and ends with a recommended disposition. It can also involve a psychological evaluation prepared by a private psychologist or psychiatrist or a staff member of the Bernalillo County Mental Health Center. The second level of diagnosis generally does not take place unless the case is going to be petitioned to the Juvenile Court (21% of the cases).

Once such a diagnostic study is performed, the diagnostic function for the juvenile is completed unless the juvenile has been committed to an institution. If committed, the institution's staff also prepares a study, principally to determine what resources within the institutional setting should be utilized.

b. Diagnosis of adult offenders. Within the adult system, a structured diagnosis of the arrestee or offender does not occur until after conviction. After conviction a pre-sentence report is prepared which provides the

sentencing judge with a social summary of the offender. This is done by the Adult Probation/Parole Office of the Department of Corrections for District Court cases and by the City Probation Office for Municipal Court cases.

2. Shortcomings of present system.

Within the juvenile system, detailed diagnostics are performed on a small minority of juveniles who enter the Juvenile Probation Office. A separate intake diagnostic unit did not exist until the recent re-organization and specific diagnostic procedures are not enumerated. Generally, only those juveniles appearing before the judge for adjudication and/or disposition are formally diagnosed. Informal dispositions and probation supervision are made without benefit of a scientific analysis of the juvenile's problems and needs.

Within the adult system, formal diagnosis begins at too late a stage in the system. Many important decisions (e.g., bail and plea bargaining) are made prior to sentencing and these decisions require broader knowledge of the defendant than just his criminal record and current charge.

D. Functional Priority 4: Disposition

The functional tasks presented in Chapter III related to the fulfillment of the disposition function were:

- Maintenance of appropriate policies and procedures for personal and public safety.
- Establishment, on the basis of presentence and/or diagnostic reports, of the most meaningful way in which the behavior of the offender can be modified to maintain socially acceptable patterns of behavior.

1. Description of current conditions.

a. Disposition of juvenile offenders. The disposition of convicted juvenile offenders involves the official determination of society's response to the offender. It is a function performed by the Children's Court judge and his staff, the Juvenile Probation Office.

Seventy-eight percent of the cases arriving in the Juvenile Probation Office in 1972 were not heard by a judge. Some of these juveniles were, in effect, found "not involved" by the Juvenile Probation Office, the decision being made at that level that the case did not warrant further system involvement because of the innocence of the juvenile or because the accusation was not serious. They were released to their parents. Others were found involved by the Juvenile Probation Office and a disposition, although unofficial, was determined by the Juvenile Probation Office staff. Using the jargon of the staff, they were placed on "unofficial probation supervision." This disposition is agreed upon by the staff, the juvenile, his parents or guardian, his lawyer (if any), and on occasion, the district attorney.

The New Mexico Children's Code defines two types of juveniles. Section 3-M reads:

- M. "Child in need of supervision" means a child who: (1) being subject to compulsory school attendance, is habitually truant from school; or (2) habitually disobeys the reasonable and lawful demands of his parents, guardian, or custodian and is ungovernable and beyond their control; or (3) has committed an offense not classified as criminal or one applicable only to children; and (4) in any of the foregoing situations is in need of care or rehabilitation.

Section 3-O reads:

- O. "Delinquent child" means a child who has committed a delinquent act and is in need of care or rehabilitation.

Delinquent act is defined in Section 3-N as follows:

- N. "Delinquent act" means an act committed by a child, which would be designated as a crime under the law if committed by an adult.

The distinction is important at disposition. Section 31-B reads:

- B. If a child is found to be delinquent the court may enter its judgment making any of the following dispositions for the supervision, care and rehabilitation of the child:
 - (1) any disposition that is authorized for the disposition of a neglected child;

- (2) transfer legal custody to an agency responsible for the care and rehabilitation of delinquent children;
- (3) place the child on probation under those conditions and limitations as the court may prescribe.

Section 31-C reads:

C. If a child is found to be in need of supervision the court may enter its judgment making any of the following dispositions for the supervision, care and rehabilitation of the child:

- (1) any disposition that is authorized for the disposition of a neglected child;
- (2) transfer legal custody to an agency responsible for the care of children in need of supervision, but not one to which the custody of delinquent children is entrusted;
- (3) place the child on probation under those conditions and limitations the court may prescribe.

Thus, a child in need of supervision cannot be transferred to the Department of Corrections (the New Mexico Boys' School at Springer or the New Mexico Girls' School in Albuquerque). The dispositions that are used by the Children's Court judge, for both types, are:

- a. Release to parents under limitations and conditions defined by the court.
- b. Placement in a foster home or with a relative.
- c. Release during good behavior.
- d. Placement in a mental institution.
- e. Placement in an institution for the mentally retarded.
- f. Deferred action and placement under the supervision of a probation officer.

For the delinquent child, the judge can also transfer custody to the Department of Corrections for treatment in an institution. For the children in need of supervision, the judge can transfer custody to a child placement agency.

At his disposition hearing, the Children's Court judge relies heavily on the report prepared by the Juvenile Probation Office, the report prepared by the consulting psychologist or psychiatrist (if any), and his own opinion of the child and his family formulated during the disposition hearing.

The disposition hearing occurs after the adjudication hearing or after the child has admitted his involvement to the Probation Office, waived his right to an adjudication hearing, and agreed to appear before the judge for a disposition hearing only. In most cases, the disposition hearing occurs immediately after the adjudication hearing, and the distinction between the two in these cases is virtually indiscernible. In some cases the disposition hearing is postponed, pending a court-ordered examination by a physician, psychologist, or psychiatrist or a study by the Department of Corrections. The latter involves confinement at a Department of Corrections facility for a period not longer than sixty days.

The disposition hearing is a private semi-adversary proceeding at which the juvenile, his parents or guardian, his attorney (if any), and the probation officer, present before the judge their opinions as to the proper disposition. The district attorney may, on occasion, present his opinions on behalf of the state.

In 1972, statistics indicated 409 juveniles appeared before the Children's Court judge. The following dispositions were made:

- a. Thirty-four were placed in a foster home.
- b. Twenty-five were released for good behavior.
- c. Two were placed in a mental institution.
- d. None were placed in an institution for mentally retarded.
- e. A total of 318 had action deferred.
- f. Thirty were placed with the Department of Corrections.

b. Disposition of adult offenders. Within the adult system, there are no unofficial dispositions. If an adult does not go to trial, he is released from the sysyem. Unofficial probation does not exist. (An exception is the district attorney's experimental program of deferred prosecution.)

Once convicted, the accused can be incarcerated or placed on probation. If the judge chooses to incarcerate, the period of incarceration is specifically delineated by the law. The judge is free to reduce the minimum but cannot reduce the maximum as defined by law.

New Mexico law specifically defines the penalty for each offense but does so in an unusual way. For example, an offense may carry a penalty of two to ten years. This means that the offender must serve one-third of two years before he is eligible for parole (i.e., eight months) and cannot serve more than 10 years. If he is a second offender the penalty is higher. The most common penalties are 1 to 5 years, 2 to 10 years, 5 to 20 years, 10 to 50 years, and life.

If the judge reduces the minimum at the time of imposition he is, in effect, making the defendant eligible for parole at an earlier date.

2. Shortcomings of present process.

The most commonly used disposition within the juvenile justice system is "deferred action." In fact, this is probation, but in law it is not. As such, it is confusing to the juvenile and represents a legal sword of Damocles. Its legal effect is that a juvenile can "violate probation" and be confined in an institution without having the legal safeguards of a probation violation hearing. The judge can rule that he has now decided to take action on the case in which he earlier deferred his decision.

Both systems suffer from a deficiency of sentence alternatives. The choices are to confine him or not confine him. There is generally no middle

ground (e.g., work release, short period of incarceration followed by probation supervision, fines, etc.). As such, many offenders who do not need prison go to prison and become further corrupted. Many who should not be on probation are on probation and fail. A result of both is increased media, citizen, and professional criticism of judges and sentence processes, and general frustration with the system.

E. Functional Priority 5: Prosecution

Functional tasks which were identified as relevant to the prosecution function were:

- Legal representation of society's interests in criminal cases.
- Determination of the appropriate route through the system for each case.
- Ensurance of rights throughout the system.

Currently in the Albuquerque/Bernalillo County adult criminal justice system, these functions are fulfilled by the District Attorney's Office, while in the juvenile justice system they are fulfilled by the district attorney in concert with the Juvenile Probation Office.

1. Description of current conditions.

a. Prosecution of juveniles. Prosecution within the juvenile justice system has been a relatively minor function. This is a result of the philosophy of the juvenile justice movement.

The 20th century juvenile court is a result of a 19th century social justice movement to divert a select group of individuals -- children -- from a criminal justice system that was seen as harsh and punitive. From the feudal days of Anglo-Saxon chancery court came the concept that children must be protected by the state -- protected in particular as to their property rights. The growth of the spirit of social justice and the development of the social sciences during the 19th century broadened this feudal

concept into the concept that the state, acting as parens patriae, must diagnose, treat, and protect all wayward and deviant children rather than prosecute and punish them.

A variety of reforms took place which led eventually to "An Act to Regulate the Treatment and Control of Dependent, Neglected, and Delinquent Children," passed by the Illinois legislature in 1899. In 1825, a separate facility housing children apart from adults and providing them with treatment instead of punishment was created in New York City. In 1847, the first state reform and industrial school was created in Massachusetts for the express purpose of providing youths with discipline and work skills. In 1861, a commissioner was appointed in Chicago to hear minor charges brought against boys ages 6 to 17. Separate trials and trial dockets began in 1870 in Boston and 1892 in New York. Probation as a substitute for incarceration began in Massachusetts in 1880, largely as a result of the growing belief and confidence in the skills of a new professional called the social scientist.

The 1899 Illinois statute was the culmination of this movement and created the juvenile justice system as it now exists. One judicial jurisdiction had responsibility for all matters involving juveniles whether they be dependent, neglected, or delinquent. Hearings were to be confidential and informal. The Juvenile Court was staffed with social scientists, called probation officers, who processed the cases and administered the prescribed treatment. Because the court was acting as parens patriae in the rights of the child and protecting those rights, the use of such traditional criminal justice system safeguards as defense attorneys, grand juries and trial by jury were seen as unnecessary. The goal of the system was not to prosecute and punish a child for a particular act, but to diagnose and treat a child

whose specific misbehavior was seen as symptomatic of the environment in which he lived.

Recent legal developments have led to an enlargement of the prosecutorial function within the juvenile justice system. The first was the 1966 U.S. Supreme Court decision, Kent v. United States (383 US 541). The second was a 1967 United States Supreme Court decision, In the Matter of Gault (87 SupCt 1428).

The effect of Kent was to introduce into the juvenile justice system the issue of constitutional rights of juveniles and procedural due process and fairness. ". . . The admonition to function in a 'parental' relationship is not an invitation to procedural arbitrariness." The court did not answer other important questions of juvenile rights, but it did introduce the idea of adversary hearings into the system. As such it led the way for an expanded prosecutorial role.

Gault caused a total revolution within the system. "The essential difference between Gerald's (Gault) case and a normal criminal case is that safeguards available to adults were discarded in Gerald's case. The summary procedure, as well as the long commitment were possible because Gerald was 15 years of age instead of over 18." It dealt with questions of notice, defense counsel, and confessions. Its effect was to give the juvenile defendant the right to counsel. If the defendant has counsel then the state should also be represented. Thus, prosecution becomes an important function of the juvenile justice system.

Prosecution is largely a function of the District Attorney's Office interacting with the Juvenile Probation Office. The District Attorney has appointed one member of his staff to handle juvenile matters. As the case travels through the intake processing conducted by the Juvenile Probation

Office, the assistant district attorney is consulted to ascertain and represent the State's interest. He reviews the petitions, subpoenas, and motions prepared by the Juvenile Probation Office staff and, in more serious cases, is involved in prehearing decision-making as to whether the case should be petitioned or not and whether an effort should be made to try the juvenile as an adult. Section 27 of the Children's Code reads, in part:

Section 27. TRANSFER TO CRIMINAL COURT -- HEARING --

- A. After a petition has been filed alleging a delinquent act the court may, before hearing the petition on its merits, transfer the matter for prosecution in the district court if:
- (1) the child was sixteen years of age or more at the time of the conduct alleged to be a delinquent act and the alleged delinquent act is a felony under the applicable criminal law; and
 - (2) a hearing on whether the transfer should be made is held in conformity with the rules on a hearing on a petition alleging a delinquent act, except that the hearing will be to the court without a jury; and
 - (3) notice in writing of the time, place and purpose of the hearing is given the child, parents, guardian or custodian at least three days before the hearing; and
 - (4) the court finds upon the hearing that there are reasonable grounds to believe that:
 - (a) the child committed the delinquent act alleged; and
 - (b) the child is not amenable to treatment or rehabilitation as a child through available facilities; and
 - (c) the child is not committable to an institution for the mentally retarded or mentally ill; and
 - (d) the interests of the community require that the child be placed under legal restraint or discipline.

In cases which involve a jury trial the district attorney acts as the state's attorney in a role identical to that which he serves in adult trials. In adjudication hearings which do not involve a jury trial, but where the juvenile has counsel, he almost always is present, especially if the juvenile

is maintaining his innocence. In those cases in which the question of involvement is not an issue, he is not normally present.

In 1972, there were six jury trials of juveniles and ten adult trials of "waived juveniles."

b. Prosecution of adults. With regard to the prosecution of adults, the basic duties of the District Attorney's Office include:

- Review of cases presented by law enforcement and determination of which shall be presented to the grand jury (target system task 2).
- Preparation and presentation of cases to the Grand Jury (task 1).
- Representation of the state at arraignments and preliminary hearings (task 1).
- Negotiation and consideration of pleas (task 2).
- Representation of the state in the trial of criminal cases (task 1).
- Representation of the state in post-trial actions, such as appeals, post-conviction motions and sentencing (task 1).

It may be noted that none of the duties outlined above reflect the target system functional task 3 (ensurance of rights throughout the system). Generally, this task rests now with law enforcement officers, and when the rights of the accused are not ensured the prosecution's case is weakened and may even be destroyed. At the least, this expands the opportunity for dismissal of the charges once the case comes to the attention of a judge. The apparent weakness of the current lack of prosecution participation in the fulfillment of this functional task may be illustrated by the following analysis of the current prosecution efforts.

Estimated 1971 workload associated with the duties outlined above is presented in Table 12.

Review of the statistics presented in Table 12 shows that only 568 (57%) of the 1002 cases presented by law enforcement were carried forward to the grand jury. This tends to indicate poor case preparation and/or improper

TABLE 11. ANALYSIS OF DISTRICT ATTORNEY'S OFFICE WORKLOAD

<u>Activity</u>	<u>Number Estimated 1971</u>	<u>Estimated Man-Hours Per Unit of Activity</u>	<u>Total Man-Hours</u>
Review of cases to determine if they will be presented to the grand jury	1,002	.25	250.5
Presentation of cases to grand jury			
Preparation	568	.70	397.6
Presentation	568	.70	397.6
Preparation for an attendance at motions hearings for			
Cases ultimately dismissed	777	1.75	1,359.7
Other cases	382	2.80	1,069.5
Pretrial preparation of cases which will			
Come to trial	90	28.0	2,520.0
Plead guilty	292	12.0	3,504.0
Court appearance for			
Jury/nonjury trial	90	14.0	1,260.0
Guilty pleas	292	1.0	292.0
			<u>11,050.9</u>

Source: Booz Allen Hamilton Report

arrests by law enforcement. The indication is further supported by the effort expended on 777 cases which were ultimately dismissed.

The possibility of heavy plea bargaining is reinforced by the fact that 292 (76%) of the 382 cases involving pretrial preparation resulted in guilty pleas. The data reflecting how many of these cases involved pleas to lesser charges and how many of the defendants had other outstanding charges which were dismissed is unavailable.

Analysis of the outcome of all cases involving arrests of adults by APD for robbery and burglary during July 1972 revealed the following:

- 37 persons were arrested (they had 101 felony arrests collectively)
- 20 persons were accepted for prosecution by the district attorney
- 12 persons were not filed on by APD
- 3 persons pleaded guilty to criminal trespass
- 3 cases were not prosecuted by the district attorney
- 3 persons pleaded guilty to other pending charges
- 2 persons failed to appear for trial
- 2 cases were dismissed
- 2 persons pleaded guilty to charges and received deferred or suspended sentences
- 2 cases do not appear to have been disposed of as of this writing
- 1 persons was tried on original charge and found not guilty
- 1 person was in federal custody in another state
- 1 person pleaded guilty and has not been sentenced

The above data must be qualified on the basis that inaccuracy to some degree must exist. This results from the extreme difficulty in tracing cases through the records of the agencies. It is even more difficult to find out why cases conclude as they do.

2. Shortcomings of the current process.

Since the emphasis on prosecution of juveniles lies with effective diagnosis and treatment, rather than imposing negative sanctions (i.e., on the actions taken by the Juvenile Probation Office, rather than those taken by the district attorney), shortcomings of the juvenile system were discussed more fully under those functional headings. Here, we are more concerned with the shortcomings of the adult system.

If one accepts the hypothesis that successful prosecution is a crime deterrent, the current system must be considered deficient. The major problems contributing to this deficiency are:

- Insufficient knowledge of criminal law on the part of law enforcement. This is particularly true in regard to probable cause, search and seizure, and positive identification requirements.
- Improper charging by law enforcement.
- Poor case preparation by law enforcement.
- Need for more experienced prosecutors.
- The high degree of discretionary power lodged with the District Attorney's Office without true accountability to the public.

F. Functional Priority 6: Pretrial Detention/Release

Tasks identified for fulfillment of the pretrial supervision function include:

- Establishment of objective criteria for determining release conditions.
- Establishment of an orderly means for detention of suspects.
- Establishment of an orderly means for release of suspects who are not detained (e.g., because of ability to post bail, acceptability for release on recognizance, or voluntary participation in pretrial diagnostic and treatment programs).

At present, in New Mexico, adults have the constitutional right to release through bail, and excessive bail is prohibited. With juveniles, however,

there is no bail and the accused can be detained prior to prosecution, if deemed necessary by a detention hearing.

1. Description of current conditions.

a. Detention/release of juveniles. A juvenile, once arrested, can be detained to await court action or be released back into the community.

Sections 21 and 22 of the 1972 New Mexico Children's Code state:

A. A person taking a child into custody shall, with all reasonable speed:

- (1) release the child to the child's parents, guardian, or custodian and issue verbal counsel or warning as may be appropriate; or
- (2) release the child to the child's parents, guardian, or custodian upon their written promise to bring the child before the court when requested by the court, and if the parents, guardian or custodian fail, when requested, to bring the child before the court as promised, the court may order the child taken into custody and brought before the court; or
- (3) deliver the child to probation services or to a place of detention designated by the court, or to a medical facility if the child is believed to be suffering from a serious physical or mental condition or illness which requires either prompt treatment or prompt diagnosis.

B. When a child is delivered to probation services, or to a place of detention designated by the court, a probation officer, prior to the placing of the child in detention, shall review the need for detention and shall release the child from custody unless detention is appropriate under the criteria established by the Children's Code or has been ordered by the court pursuant to those criteria.

C. If a child is taken into custody and is not released to the child's parents, guardian or custodian, the person taking the child into custody shall give written notice thereof immediately, and in no case later than twenty-four hours, to the child's parents, guardian or custodian, and to the court together with a statement of the reason for taking the child into custody.

D. In all cases when a child is taken into custody he shall be released to his parents, guardian or custodian, within twenty-four hours of the time he was taken into custody unless he is placed in detention under the provisions of the Children's Code.

Section 22. CRITERIA FOR DETENTION OF CHILDREN --

A. Unless ordered by the court pursuant to the provisions of the Children's Code, a child taken into custody shall not be placed in detention prior to the court's disposition unless:

- (1) probable cause exists to believe that if not detained the child will commit injury to the persons or property of others or cause injury to himself or be subject to injury by others; or
- (2) when probable cause exists to believe that the child has no parent, guardian, custodian or other person able to provide adequate supervision and care for him; or
- (3) when probable cause exists to believe that the child will run away or be taken away so as to be unavailable for proceedings of the court or its officers.

B. The criteria for detention in this section shall govern the decisions of all persons responsible for determining whether detention is appropriate prior to the court's disposition.

It is obvious that the intent of the code is to avoid pretrial detention of juveniles and rely upon the parents or guardian of the child for pretrial supervision and for ensuring appearance of the child at subsequent court hearings. However, some children require pretrial detention. This is a decision initially made by the police agency, and the various police agencies in Albuquerque/Bernalillo County handle this function differently. For example, the New Mexico State Police and the Bernalillo County Sheriff's Office transport juveniles they arrest directly to the Bernalillo County Detention Home. The University of New Mexico police and the Albuquerque Police Department transport juveniles to the Albuquerque Police Department Juvenile Division (when it is operational, it is not being staffed from midnight to 7 a.m.), and they in turn decide whether a juvenile should be placed in the Detention Home. During November 1972, one-third of the arrested juveniles were placed in the Detention Home, probably because one-half of the arrests occurred when the Juvenile Division was not operational.

Once a juvenile is placed in the Detention Home, the Detention Home staff reviews the decision in an effort to secure the child's release. Parents are called, if they can be found, and releases are secured, the parents signing a form indicating their promise to appear for future court action.

Section 24 of the 1972 New Mexico Children's Code creates a third level of review. It reads:

Section 24. DETENTION HEARING REQUIRED ON DETAINED CHILDREN -- COURT DETERMINATION -- DISPOSITION --

- A. When a child who has been taken into custody is not released, but is detained:
 - (1) a petition shall be filed within forty-eight hours, excluding Saturdays, Sundays and legal holidays and, if not filed within the stated time, the child shall be released; and
 - (2) a detention hearing shall be held within twenty-four hours, excluding Saturdays, Sundays and legal holidays from the time of filing the petition to determine whether continued detention is required pursuant to the criteria established by the Children's Code.
- B. Notice of the detention hearing, either oral or written, stating the time, place and purpose of the hearing shall be given by the person designated by the court to the child's parents, guardian or custodian, if they can be found, and to the child if the petition alleges that the child is a delinquent child or a child in need of supervision.
- C. At the commencement of the detention hearing, the judge shall advise the parties of their basic rights provided in the Children's Code, and shall appoint counsel, guardians and custodians, if appropriate.
- D. If the court finds that the child's detention is appropriate under the criteria established by the Children's Code, the court shall order detention in an appropriate facility in accordance with the Children's Code.
- E. If the court finds that detention of the child is not appropriate under the criteria established by the Children's Code, the court shall order the release of the child, but, in so doing, may order one or more of the following conditions:

- (1) place the child in the custody of a parent, guardian or custodian, or under the supervision of an agency agreeing to supervise him; or
- (2) place restrictions on the child's travel, association with other persons or place of abode during the period of his release; or
- (3) impose any other condition deemed reasonably necessary and consistent with the criteria for detaining children established by the Children's Code, including a condition requiring that the child return to custody as required.

- F. An order releasing a child on any conditions specified in this section may at any time be amended to impose additional or different conditions of release or to return the child to custody or detention for failure to conform to the conditions originally imposed.
- G. At the detention hearing all relevant and material evidence helpful in determining the need for detention may be admitted by the court, even though it would not be admissible in a hearing on the petition.
- H. If the child is not released at the detention hearing, and a parent, guardian or custodian was not notified of the hearing and did not appear or waive appearance at the detention hearing, the court shall rehear the detention matter without unnecessary delay upon the filing of an affidavit stating the facts and a motion for rehearing.

The Bernalillo County Detention Home is Albuquerque's jail for juveniles. It is a component of the Bernalillo County government supported by county funds of approximately \$220,000 per year and federal monies of approximately \$100,000 in the form of various grants-in-aid. The D-Home, as it is euphemistically known, is staffed by 29 county personnel and 16 federally funded personnel. They provide a wide range of services, chief of which is 24-hour, 7-day a week secure shelter for an average daily population of 46 juvenile boys and girls. (Statistics indicate that approximately one-fourth of the population are girls.) Remedial education, recreation activities, and short-term counseling are also provided. Such programs must be of short duration because half of the committed children stay a day or less (the staff of the D-Home and the juvenile Probation Office join forces to have the child

released to his parents as quickly as possible), and only 9 percent of those committed stay longer than ten days. One interesting point is that some of those who began a remedial program while confined in the D-Home continue voluntarily in the program following release.

Physically, the D-Home is a medium security building with a minimum security perimeter. It has no fence or walls, but, within the building, there is an abundance of locks. All doors, exterior and interior, are locked. Children are housed four to a room. The doors to each room are locked. The one window in each room is barred. The four beds in each room are bolted to the wall. Girls are segregated in a separate but physically identical area. There are two rooms for those who need to be housed individually. In summation, the D-Home is physically a jail.

As with any institution, it is the staff and not the physical plant that determines the atmosphere. In addition to the 29 county employees and the 16 federally funded employees, there are approximately 12 volunteers. The staff of the D-Home is able to direct most of its energies toward fulfilling the needs of the wards. As such, there is a healthy sense of excitement and ordered chaos in the air which infects both the wards and the staff.

b. Pretrial detention/release of adults. Adults who are arrested are transported to the headquarters of the arresting law enforcement agency (usually the Albuquerque Police Department or the Bernalillo County Sheriff's Department) for processing and then to the Bernalillo County jail for booking and confinement. At this point, a bail bond is set according to a schedule established by the Magistrate Court. The bail bond is a money figure based solely on the charge lodged by the law enforcement agency against the

arrestee. If the arrestee has the money he can pay it and thereby secure his release. As an alternative, for a fee, he can hire the services of a professional bail bondsman who will post his bond. If the arrestee does not have the money for the bond or the bondsman's fee he will remain in jail to await arraignment, indictment, and trial -- a period established by rules of the Supreme Court as being not longer than six months unless he, the defendant, agrees to a longer delay.

Arraignment takes place within a few days (usually one) of arrest. Its purpose is to allow for judicial review (by the Magistrate Court) of the sufficiency of the arrest, the setting of bond, the determination of indigency, the appointment of counsel (if indigent), the entry of a plea to the charge, and whether the case should go before the grand jury for indictment. The arraignment hearing is thus similar to the intake process in the juvenile system. Questions considered are:

- (1) Should the case continue its travels through the justice system?
- (2) Should the defendant be confined in pretrial detention?

These questions are answered by the magistrate based on information available to him, which is generally the seriousness of the offense and the defendant's past criminal record. A recent innovation has been the development of a release on recognizance program. The Adult Probation Office of the New Mexico Department of Corrections interviews arrestees and makes recommendations to the magistrate regarding bond. The information gathered focuses on the proven responsibility and stability of the arrestee and thus whether or not he is a good risk for release on bond without financial cost to him. One man within the Adult Probation Unit has this task.

If released on bond, the defendant is free to continue his lifestyle, his only obligation being to appear at the appointed times for court appearances.

The above procedure is utilized for persons charged with felony offenses or serious misdemeanors (as defined by state law).

The procedure for minor misdemeanor offenses (defined by city ordinance) is different. Persons arrested or issued citations (a procedure available only for violation of city ordinances) are processed through the Municipal Court of the City of Albuquerque. Bond is established by the Municipal Court judge almost immediately upon arrest. If bond is not posted, the defendant awaits trial at Montessa Park, a city-run jail, or the police lock-up located in police headquarters, for a period shorter than 30 days.

Albuquerque/Bernalillo County has three pretrial jails. They are:

- The police lock-up located in the basement of police headquarters
- Montessa Park
- Bernalillo County jail

Some persons charged with city ordinance misdemeanors await trial in the police lock-up. Others await trial at Montessa Park. Females and persons charged with felonies or state misdemeanors await trial at the Bernalillo County jail. The three facilities have been organizationally merged as of September 1, 1972, under a City-County Corrections and Detentions Agreement.

Both Montessa Park and the Bernalillo County jail suffer from serious deficiencies in their physical plant, staffing and financing. Montessa Park is a relatively new facility but foundation shifts and resulting weaknesses have produced unsafe and insecure buildings. It is almost universally felt to be unsalvageable except by very expensive modifications. The Bernalillo County jail is located on the fourth floor of the Bernalillo County Courthouse. It provides no outdoor recreation for the inmates; it is overcrowded and minimally staffed, and is nothing more than rooms for holding persons.

Recent months have witnessed a rash of fires, escapes, minor disturbances and embarrassing leaks of plumbing resulting in flooding of courtrooms, judge's chambers, and offices. Presently minimal indoor recreation, social services, and medical services are provided. The new corrections-detention director is attempting to correct the situation and a new facility is being discussed.

2. Shortcomings of current process.

The area of pretrial supervision for both juveniles and adults is often overlooked and thereby represents what is possibly the harshest aspect of the total criminal justice system. The manner of jailing and bailing legally innocent people, be they juveniles or adults, needs to be examined.

The philosophy of the juvenile system, both as expressed in the law and as practiced, is not to detain juveniles prior to adjudication and not to base release considerations on the wealth of the juvenile and his family. It is a healthy philosophy and is one that should be adopted by the adult justice system. Its weakness is that, once released, the juvenile is free to continue his lifestyle, including the commission of criminal offenses.

Juveniles who are detained generally do not require the degree of security now afforded them. The Detention Home is a jail whether the term is used or not. It is an expensive facility, as are all jails. For some children, it is a harmful setting and the psychological damage is unnecessary. Other supervision methods can be developed to minimize this damage and maximize the treatment aspects.

In the adult area, pretrial detention or release decisions should not be determined solely by the financial situation of the arrestee. As a result, situations can arise where a person who represents a true danger to the community or himself can buy his way out of jail through the bail process.

On the other hand, innocent arrestees can remain in jail for months because they cannot afford bond. Both have happened and are happening in Albuquerque/Bernalillo County.

The Bernalillo County Jail is no more than a place for arrestees to survive. It is overcrowded, understaffed by nonprofessionals, underfinanced, and in need of total overhaul. It is not a positive place for people (accused though legally innocent) to live. The creation of the already mentioned Corrections/Detention Department should have a positive effect on changing this situation. In addition, planning for a new facility, which will have adequate recreational and corrective programs, is well under way.

CHAPTER V. PLAN OF ACTION

The six highest functional priorities are the subject of proposed action through the Pilot Cities Discretionary Grant Program and through other community action programs (as described in Chapter VI). The research team is providing technical assistance in those areas, as well as in the lower functional priority areas (apprehension, adjudication, definition, and detection), as appropriate. A major thrust of the UNM team's internal research effort, however, is in the area of system maintenance and change (since systemwide improvements are the priority mission of the Pilot Cities Program nationwide).

In addition, the UNM team continues to provide assistance in designing evaluation plans for future Pilot Cities demonstration projects and in coordinating and reviewing evaluation of demonstration projects already completed or under way.

This chapter briefly describes the research and evaluation projects conducted by the UNM team during the period covered by this report.

A. Exploratory Research

UNM Criminal Justice Program personnel assigned to the Pilot Cities Program conduct exploratory research in order to diagnose and define criminal justice problems and formulate alternative solutions. The major end product of such research is the design of demonstration projects. Other

products are new research tools and techniques and a better understanding of the processes of change and acceptance of innovation within the criminal justice system. Sixteen exploratory research projects are included in this report.

1. Analysis of the Juvenile Justice System. This project examined the flow of offenders through the juvenile justice system and collected relevant data from interviews with juveniles at the Juvenile Detention Home and with other adjudicated juveniles.

The creation of a state public defender program with a staff in Albuquerque/Bernalillo County has focused interest on the issue of providing defense services for indigent juveniles. Preliminary discussions with the public defender indicated a need for greater understanding of the workload in the juvenile system and an identification of legal resources available. The project team will assist the public defender in analyzing the workload and the resources available.

Thus far, concepts have been developed and needs clarified for: (1) conducting a youth-related property crime project; (2) planning projects to prevent recidivist crime among juveniles; and (3) justifying the designation of juvenile justice as a high priority planning target.

"Bernalillo County Juvenile Justice System -- Preliminary Description and Analysis" (September 1972) documents the early aspects of the project. A second working paper, "Juvenile Justice in Albuquerque/Bernalillo County" (September 1973), has been provided

to all concerned agencies and planners for assistance in developing a plan of action in the juvenile justice agencies.

A computer simulation of the flow of offenders through the system is being developed so that hypotheses can be formulated and tested through computer simulation.

2. Analysis of Post-Arrest Processing of Adult Offenders. This project parallels the analysis of the juvenile justice system in the adult area. When the study is complete, recommendations will be made for enhancing the relevant agencies' abilities to deter recidivist crime.

Investigation includes such topics as: (1) the relationship between law enforcement agencies and prosecutors in case development; (2) the requirement to comply with the limitations set down by the New Mexico Supreme Court; and (3) the degree of availability of witnesses and victims' willingness to prosecute.

The project is developing a detailed model of the current system, in the same manner as the juvenile justice system model, in order to study flow patterns. Data has been collected and a computer program developed for data analysis. Development of the model is being facilitated by in-depth studies of specific problems, including forcible rape, aggravated assault, and worthless checks.

This project is expected to yield hypotheses for testing in demonstration projects to be funded under LEAA's FY 1975 Pilot Cities Discretionary Grant Program.

3. Analysis of Rape Victimization and Prosecution Patterns. This project was undertaken in response to the rapidly increasing incidence of rape in Albuquerque/Bernalillo County. It has taken advantage of research opportunities afforded by the Rape Crisis Center, which began operation at the

University of New Mexico June 15, 1973. It has also examined police records of reported rape and district attorney files on rape prosecution since 1970.

Research is focused upon: (1) possible reasons for the increase in incidence and reporting of rape; (2) measures for assisting victims of rape; (3) methods for improving investigation of rape cases; and (4) means for increasing prosecution of rape offenders.

As a result of efforts of personnel of the Rape Crisis Center and the research interest of the Pilot City staff, a Task Force on the Victims of Sex Crimes has been established; the Albuquerque Police Department in cooperation with the Pilot City team hosted a series of seminars on the victims of rape conducted by Lt. Julia Tucker of the New York City Police Department's Rape Analysis Unit; and the APD has recently established a Sex Crimes Analysis Unit within the Violent Crimes Division.

4. Analysis of Aggravated Assault/Murder in Albuquerque. This project was undertaken in response to a marked increase in crimes of violence in Albuquerque/Bernalillo County. It is examining the increase in aggravated assault and murder over a four-year period and attempting to identify patterns of occurrence.

Research and analysis have been focused upon: (1) increases in the various types of aggravated assaults; (2) arrests for aggravated assault by age groups and sex; (3) identification of peak or critical months; (4) identification of critical days of the week; (5) identification of critical hours of the day; (6) identification of high-risk areas within the community; (7) possible reasons for the increase in aggravated assault; and (8) possible means of prevention.*

*The research and analysis areas 1, 2, 6, and 7 apply to murder as well as aggravated assault.

Aggravated assault and murder are two of four crimes of violence in the FBI's Part I crime category. In 1972, aggravated assault accounted for 47 percent of the national total of crimes against persons. In Albuquerque/Bernalillo County during that same period it accounted for 54 percent of the total number of crimes against persons. The victim-offender relationship and the nature of the attack in aggravated assault and in murder appear to be similar.

The project is expected to yield hypotheses to be tested in further research or demonstration projects.

5. Analysis of Worthless Check Passing in Albuquerque. This project is designed to determine: (1) the extent of the crime of worthless check passing in Albuquerque; (2) factors that contribute to this problem; and (3) changes that can be made in the criminal justice system and the community to combat this problem.

A preliminary study of business records, on a random basis, will provide a general picture of the volume and types of worthless checks being passed. A study of procedures used by businesses in accepting checks and by the criminal justice system in combatting the crime will be the second phase of the project. The final stage will report the findings of analysis and list recommendations based on these findings, and on studies done in other communities, for improvements in handling cases of worthless check passing.

6. Analysis of Prevention/Rehabilitation Services and the Black Community. Crime and delinquency prevention and rehabilitation services were studied in this project to determine whether such community services are adequately meeting the needs of the Black community. The project identified high-priority areas within these services and made specific recommendations for improvements. In addition, the study identified areas for further research.

This project attempted to improve communication between the Black community and agencies providing prevention/rehabilitation services in order to

facilitate progress in extending such services to the Black community and informing that community of improvement opportunities. Increased communication among agencies and with various potential client groups will lead to system improvement, the long-range goal of this project.

If specific projects are developed in this area, this report should provide the MCJCC with a basis from which to assess need for improvements in preventive/rehabilitative services. The report is in the final stages of completion and will be published soon.

7. Witness Utilization. This project is studying court congestion, with emphasis on the use of prosecution witnesses. Analysis is directed toward investigation of stated problems and identification of additional problems within the current system of witness utilization. Alternative procedures will be identified and recommendations made, based on their potential for improving witness/court relations and for impact on the rate of conviction, and crime reduction.

The project is expected to generate hypotheses to be tested in demonstration projects. Specific research areas include: (1) attitudes of prosecution witnesses concerning the District Attorney's Office and the quality of prosecution; (2) quality of testimony of prosecution witnesses as viewed by judges, defense attorneys, and district attorneys; (3) variables affecting testimony; (4) background characteristics of witnesses (e.g., level of education, income, ethnic group); (5) relationship between witness availability and trial delays; (6) costs borne by prosecution witnesses in time lost from work and other important engagements -- similarly the cost to employers; (7) frequency of "wasted" appearances/costs; and (8) impact of current system of witness utilization on convictions.

The project is currently at the data collection stage. Analysis of the data and report writing will be done in early spring of 1974.

8. Public Awareness Study. This project is designed to identify and compare various approaches for increasing public awareness and understanding of: (1) problems of the criminal justice system; (2) the objectives, plans, and progress of the Pilot City Program in Albuquerque/Bernalillo County; (3) the impact and utility of demonstration projects; and (4) opportunities for citizen participation in those projects, with special attention to methods of motivating informed citizens to take needed action. The project will study both the literature on motivation of people in the community and approaches being used in other communities to improve public understanding of public problems.

In addition, a periodic newsletter of capsuled information will be provided on results of pilot research projects, progress and impact of demonstration projects, statistics on the changing patterns of crime in Albuquerque, and opportunities for agencies to apply for Pilot City and block grant funds to support crime reducing projects. Research findings on Albuquerque crime problems will also be disseminated through the local news media.

9. Baseline Data Collection. Research teams in each of the eight "Pilot Cities" are required by LEAA to collect baseline data on a continuing basis. This data concerns demographic characteristics, allocation of agency resources, economic statistics, and similar information. The composition of baseline data elements has been specified in some detail through cooperation of the systems analysis specialists in each of the eight Pilot Cities, and by the National Institute of Law Enforcement and Criminal Justice. This data will be made available to local decision-makers and to the public through a public information program.

10. Computer Simulation of the Criminal Justice System. The Criminal Justice Program staff is developing a computerized model of elements of the criminal justice system. Such a model can assist agencies in assessing the effects of changes in one part of the system on other elements of the system and on

the system as a whole. This model will provide a valuable planning tool for local decision-makers as well as those in other jurisdictions.

11. Analysis of Armed Robbery Patterns in Albuquerque. Working with the Albuquerque Police Department, the staff of the Criminal Justice Program completed and distributed a report on armed robbery, a crime which has become significantly more important. The analysis enables the Police Department to identify potential robbery targets and to improve their tactical planning for the field force.

12. Development of a Group Home System for Juveniles. Beginning in April 1972, the Criminal Justice Program has been playing an active role in developing a group homes system. The Director of the Detention Home toured the Washington, D.C. extensive group homes organization, and another staff member toured St. Louis facilities. They developed an organizational and budget model for such a system and have begun to put together a funding package exclusive of Pilot "O" discretionary money.

13. Court Clinic. The Court Administrator of the Second Judicial District has designed a Psychiatric Court Clinic to provide diagnostic and treatment services for both juvenile and adult delinquents, to be funded by LEAA block funds. The staff of the Criminal Justice Program worked closely with him to ensure that the Clinic complemented and did not duplicate Pilot "O" discretionary funded projects in the juvenile area.

14. Treatment of Delinquents with Learning Disabilities. This project, originally seen as a separate entity, is being incorporated into other projects (e.g., the Court Clinic cited above). As part of their methodology, the staff of the Court Clinic will diagnose and treat learning disabilities among juvenile and young adult clientele.

15. An Analysis of La Llave as a Crime Reduction Agency. This project is designed to contribute to the evaluation of the La Llave (Spanish "the

key") heroin treatment program from the point of view of its effectiveness in reducing crime.

It is widely held that heroin treatment programs reduce crime. Programs that provide methadone as a substitute for heroin and support attempts by addicts to break their habits entirely are intended to remove the need for use of illegal means to raise money for purchase of drugs.

This project will examine a random sample of La Llave clients who entered the program before January 1, 1973, and who have known police records. Using Albuquerque Police Department records, the number of arrests (by classification) and convictions will be recorded by date. Data will then be analyzed to determine changes in the crime patterns and criminal careers of the clients included in the sample. Finally, statements about the relevant population will be formulated.

16. A Study of Bail Bonding. This project will examine the bail bonding operation locally, the laws governing it, and how they are enforced. Detail as to methodology awaits an exploratory survey.

17. Assistance to the Planning Agencies. The staff of the Criminal Justice Program views criminal justice planning as a crucial element of effective crime control. As such, we provide regular assistance to the Metropolitan Criminal Justice Coordinating Council and the Governor's Criminal Justice Planning Council. A budget planning retreat was conducted by the Criminal Justice Program for state agencies who impact on Albuquerque and CJP participated in a program to familiarize agencies and state budget decision makers with LEAA cash match requirements. CJP continues to be a source of data and projects for the staff of the Metropolitan Council as they develop the Albuquerque crime control plan.

B. Demonstration Projects (Applied Research)

1. Projects being planned. The following projects are being planned by various criminal justice agencies. The agencies are likely to request grants for these projects under their Pilot Cities discretionary grant entitlement.

a. Recidivism Control Project. This project will provide a centralized adult arrestee diagnostic unit and pretrial supervision capability, including a bail halfway house as an alternative to jail.

The research aspect of this project will: analyze the effectiveness of a centralized adult arrestee diagnostic unit and assess the impact of pretrial supervision as compared with its alternative, jail. The Pilot City staff is currently assisting the City/County Corrections/Detention Department in the project design.

Hypotheses to be tested include:

-- There is a lower recidivism rate among arrestees released on recognizance and supervised by the project staff during their release than among arrestees released on recognizance who are not supervised.

-- The pretrial halfway house is more cost effective than jail as a means of pretrial supervision/detention.

-- Arrestees released on recognizance and assigned to the halfway house have lower recidivism rates than arrestees released on recognizance without supervision.

If the hypotheses are supported, and the program is continued, anticipated results include:

-- A reduction in the number of crimes committed by recidivists.

-- A reduction in the average daily population of the jail.

-- A more logical basis for decision-making regarding pretrial handling of adults.

-- Ability to plan pretrial supervision/detention facilities on a cost-effective basis.

New and transferable concepts expected from this project include: (1) an adult intake unit; (2) a rehabilitation process and probation supervision that begins immediately following arrest; and (3) a halfway house as an alternative to jail for pretrial supervision/detention.

b. Intensive Probation Supervision Project. This will compare three approaches to supervision of misdemeanor probationers in the adult system: team probation, volunteer supervision, and traditional probation supervision by a single probation officer. Based on the concept of team management, this approach involves two teams, each consisting of two paraprofessionals and two professional probation officers, supervising probationers more intensely over a shorter time period than is traditional. In addition, some of the total caseload will be handled by volunteers working as a team. The research concept underlying this project is to determine whether intense probation supervision, frequent contact, and the development of close, personal relationships are more effective components of rehabilitative counseling than are the length of time and the methods of traditional probation. Team probation has not previously been evaluated. Although volunteer probation supervision has been evaluated in other jurisdictions, its comparison with both team probation supervision and traditional probation supervision has not been documented. The Pilot City team is currently assisting the Municipal Probation Department in completing the project's design.

Hypotheses to be tested include:

-- Team probation supervision is more effective than traditional probation supervision, as measured by comparison of: (1) recidivism rates of probationers supervised according to each method; (2) length of time involved

in achievement of correctional goals; (3) frequency of contact with probationers; and (4) cost per probationer under each method of supervision.

-- Supervision of probationers by volunteers is more effective than traditional probation supervision, as measured by comparison of those variables listed above.

If these hypotheses are supported, and the program is continued, the major elements could be transferred to other jurisdictions. Agencies that supervise offenders or other clients (probation, parole, welfare, etc.) will have a valid basis for testing team supervision as an innovative technique. Anticipated results include: reduction in the overall size of the misdemeanor caseload as a result of reducing the rate of recidivism; higher percentage of probation "successes" (reduced recidivism among probationers); and cost-effective improvement in probation supervision.

c. Juvenile Offender Comparative Probation Supervision. This project is designed to test the effectiveness of psychologically oriented probation teams and to compare them with traditional probation supervision and supervision by volunteers in treating juveniles on both official and unofficial probation. Two teams will be developed in experimental quadrants of the city. Each team will consist of one clinical psychologist, a social worker, and a paraprofessional. Additionally, traditional probation officers and volunteers will be assigned to the experimental quadrants to supervise control groups. The remaining quadrants will be served by traditional probation officers and volunteers only and will likewise constitute control groups.

Hypotheses to be tested include:

-- Psychologically oriented team probation supervision is more effective than traditional probation supervision by a single officer, as measured by lower recidivism rates and the achievement of correctional goals in a shorter period of time.

-- Probation supervision by volunteers is more effective than traditional probation supervision by a single probation officer, as measured by those criteria cited above.

-- Psychologically oriented team probation supervision is more effective than supervision by volunteers, as measured by those criteria cited above.

-- Probation supervision by volunteers is more cost effective than supervision by psychological teams and traditional probation supervision.

-- Reduced caseload per officer significantly increases effectiveness of traditional probation supervision.

The results of this project should be similar to those to be achieved in the Intensive Probation Supervision Project described above.

d. Offender Reintegration Program. The purpose of this project is to provide paroled, probationary, and pre-parole offenders with a means for rehabilitation and development of employability through vocational and on-the-job training, basic education, counseling, and performance monitoring. Agencies involved will be the New Mexico Department of Corrections, Albuquerque/Bernalillo County Manpower Program, Albuquerque Public Schools, University of New Mexico, and the Second Judicial District Court. Programs will be developed in both the juvenile and adult areas. The juvenile program will provide enrollment for the offender in: (1) an alternative education program to the public schools; (2) regular school program; (3) pre-vocational or vocational training. Part-time employment will be provided. For adults, the project will combine individually tailored training for each offender, along with job placement. Performance monitoring, job counseling, and follow-up will be provided.

The project will test the following hypotheses:

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2 OF 3

-- Controlled reintegration into society through community-based training, re-education, and employment is a more effective method of rehabilitation than traditional institutional training and existing parole structures.

-- There are fewer recidivists and fewer parole violators among participants in the controlled reintegration program than among offenders without community-based re-education and training.

-- Resources and services for offender rehabilitation and reintegration exist in current community manpower, training, and education programs and can be used by offenders without disruptive side effects.

Anticipated results of the program include:

- immediate post-release stabilization for the offender and his family;
- reduction in recidivism among the participating offenders;
- reduction in criminal activity by program participants;
- significant increase in employability and job retention by program participants; and
- the program participant will grow in responsibility for his own development and growth while employed or in training.

2. Funded Projects

a. Albuquerque Police Department Property Crime Reducation Program.

This component of a major property crime reduction program established a Special Operations Section (SOS), a Crime Analysis Unit, and a Legal Services Unit within the police department. The goal is to upgrade the tactical and analytical capabilities of the APD in dealing with property crime.

Hypotheses being tested include:

- The property crime rate in Albuquerque is significantly lower for the 8-month period during which the SOS is in operations than it was for the 8-month period immediately prior to the SOS program.

-- The property crime rate in the control areas (combined and taken separately) is not significantly lower for the 8-month period during which the SOS program is in operation than it was for these areas in the 8-month period immediately prior to the SOS program.

-- The property crime rate in the experimental areas (areas in which SOS operates) is significantly lower in the 8-month SOS project period than it was for the control areas (areas similar to the experimental areas but with no SOS operations) for the same time period.

-- Reported property crime in experimental areas in which SOS marked units operate is significantly higher than reported crime in experimental areas in which SOS unmarked units operate.

-- The arrest rate for property crime in experimental areas in which SOS unmarked units operate is significantly higher than the arrest rate in experimental areas in which SOS marked units operate.

After eight months of operation in specific, limited geographic areas, the SOS changed its mode to the following five modes, each selected for a week or longer on the basis of the Crime Analysis Unit's analysis and forecast, and in consultation with the field force supervisors: Surveillance Mission, Investigative Mission, Criminal Opportunity Mission, Preventive/Apprehensive Patrol Mission, and Special Events Mission. Pilot City team members participated in planning for the evaluation of the new modes, and members ride with SOS teams occasionally as observers.

b. Albuquerque Police Department Youth-Related Property Crime Reduction Program. This project established school/police counseling teams to work with predelinquent and delinquent youth identified by police, schools, and the courts. The Pilot City team assisted in development of a detailed evaluation design and will continue to assist school and police officers

in implementation of the project. Two members of the Pilot City team have contributed to the effort of organizing the school/police counseling teams at three of the experimental schools. Two Pilot City staff members are currently serving as members of the school/police teams, and anticipate becoming members of two other experimental school/police teams.

Hypotheses being tested include:

-- Chronic truancy is significantly reduced in those schools serviced by school/police teams. The truancy rate will be ascertained for the period prior to the operation of the school/police teams (in both experimental and control schools) and will be measured on a predetermined schedule throughout the school year. Secondary inferences may be made regarding the time-dependent* effectiveness of the school/police teams in reducing chronic truancy and the effectiveness of the school/police teams with subclassifications of chronic truancy.

-- The reported daytime vandalism and property crime rate is reduced in areas immediately surrounding those schools in which the school/police teams operate. This reduction is different from the rate for the areas surrounding those schools in which the school/police teams do not operate.

c. Bernalillo County Sheriff's Department Property Crime Reduction Program. A component of the total property crime reduction program, this project established a criminal intelligence unit and a warrants unit. The primary purpose is to prevent increased property crime in the county as a result of increased pressure on offenders by police within the city.

The hypotheses to be tested include:

* For example, the teams may prove more effective later in the program than earlier.

-- Relieving field patrol officers of the task of warrant service (not directly related to deterrence, detection, or immediate apprehension) increases their effectiveness in reversing the property crime trend.

-- The addition of an undercover intelligence team increases the rate of acceptance of Part I property crimes for prosecution by the District Attorney's Office.

The intelligence unit of this project has been functioning for some time, and the warrant-serving aspect was to begin in March 1974. (This was delayed by difficulties in acquisition of automobiles, including a strike at the manufacturer's plant, which postponed the warrant-serving operation.) The data analyst began work in mid-fall, and has been collecting information from the pre-project period as well as the current period.

d. Property Crime Prosecution Program. This program is in operation, with two prosecutors in the District Attorney's Office concentrating on prosecution of offenders arrested for property crime. An extension of this grant is being requested to permit more complete evaluation.

The hypothesis to be tested is: Prosecutors who are trained in and permitted to focus primarily upon prosecution of property crimes increase the conviction rate of property crime offenders.

e. Centro Legal. This project established a legal services center for indigent misdemeanants, using UNM law students. The U.S. Supreme Court's Argersinger decision (June 12, 1972) requires provision of counsel for anyone accused of a misdemeanor whose conviction might result in a jail term. This center aids in fulfillment of that requirement. However, the project was conceived and planned prior to that decision, and the project's original hypotheses were rendered irrelevant by it. Throughout the country now, various types of indigent defense services are being planned in order to

implement the Argersinger decision. A report on the experience of this project may contribute to the efficiency of this planning process. An extension of this grant is being requested to permit a more complete evaluation.

The hypothesis to be tested is: There is no difference in the quality of service provided by supervised law students and members of the bar to indigent defendants accused of misdemeanor law violations.

f. District Court Criminal Division Records Improvement Project.

This project is designed to improve the court's record-keeping system in support of other projects that rely on such information. It also aids the Pilot City team in obtaining data for monitoring change and improvements in the criminal justice system. Many of the project elements were initiated by the court while awaiting approval of the grant funding by LEAA. The project is being redesigned by the court to add new elements.

CHAPTER VI. COMMUNITY PROGRAM RECOMMENDATIONS

The Pilot City research that resulted in this report disclosed many shortcomings in the juvenile and adult systems. For a variety of reasons, some of the shortcomings should be met with actions that do not lend themselves to Pilot Cities discretionary grant funding but should be carried out by other means. In some cases, elements of the community are planning responses to these needs utilizing other funding sources (e.g., revenue sharing, LEAA block grants, funding from other federal and state agencies, and private resources). Related recommendations are documented here for consideration by those responsible for planning improvements in the area of crime prevention and criminal justice agency management.

A. Prevention

Crime prevention on the part of the community can involve a multitude of responses. One response is based on the hypothesis that if you broaden the opportunities of people, especially youths, to achieve their desired economic level, you reduce their propensity toward crime. One way to aid people (especially juveniles) in reaching their desired economic level is in ensuring adequate attention to their individual education and personal development needs (especially for marginal academic achievers who are easily induced to drop out of school). Some measures aimed toward this goal might be:

- Establishment of a vocational high school (in coordination with the current Albuquerque Technical-Vocational Institute, devoted primarily to post-high school students) within the Albuquerque Public School System to prevent crimes among youths who are frustrated by academic education and wish to pursue a vocational education.

- Establishment of a broader kindergarten program within the Albuquerque Public School System, especially in the poorer districts of the city, to attempt to reduce the number of students who are frustrated by a lack of success experiences in their early school years and thus become prone to drop out of school and start criminal careers during their later school years.
- Expansion of the Albuquerque Public Schools counseling program to allow for early identification of problem students and families for treatment and referral of such students and families to appropriate agencies within the community.

This need is already being addressed to some extent under the police/school counseling teams established by a 1972 LEAA-Pilot Cities discretionary grant (described in Chapter VI) and by current revenue sharing planning efforts (see the next subsection, Treatment).

- Placing major emphasis on the development of skilled and semi-skilled jobs, particularly for young males. This objective could be furthered if factory sites were planned with public transportation as a key consideration.
- Establishing a community referral service for predelinquent youngsters to provide opportunities for participation in recreation, training, employment, social welfare, drug abuse, mental health, and similar programs within the community.

The success of the Youth Service Bureau concept entailed here is well documented in the literature, and has been proven and evaluated in several cities. For example, Pleasant Hill, California, during the first year of its Youth Service Bureau operation, experienced a reduction in every major offense: "There has been a 50 percent reduction in burglaries and a corresponding reduction in property losses amounting to nearly \$250,000 over the previous year."* Most such bureaus, however, are operated by law enforcement agencies, and the Pilot City team recommends that this activity be undertaken as a community, rather than police, project, to ensure participation among troubled youth who feel alienated from law enforcement agencies.

- Establishment of unlimited intake capability within the city's heroin treatment program. Drug abuse, especially heroin use, is a principal cause of crime. Not only does it lead the addict into crime to support the cost of his habit, it erodes and eventually disintegrates his ability to maintain a stable employment pattern. The drug addict treatment program (La Llave)

* Edward S. Kreins, "A Community Resource Program for Youth," The Police Chief 39 (March 1972): 41.

should operate on an "open door" policy requiring expansion to a capacity of 1,500 addicts.

Another type of response to the crime prevention problem is that of eliminating opportunity to commit crimes. Marked success of Operation Identification discussed in Chapter IV leads the Pilot City team to conclude that more cooperative efforts between law enforcement agencies and citizens aimed at target hardening, citizen surveillance, etc., could produce dramatic results. In the area of reducing opportunities for juvenile crime, the following suggestions are offered:

- Operation of schools on a 12-month basis, rather than the current 9-month basis, would place more students in school throughout the year and alleviate the chronic high juvenile crime workload on law enforcement officers during the summer months. This approach has been tried successfully elsewhere, and is well documented in the literature. Enabling legislation has been passed to allow New Mexico communities to operate schools on this basis, but lack of funding has prevented such an approach in Albuquerque to date.
- Operation of schools and school yards as recreation centers during nonschool hours (evenings and weekends) to provide both indoor and outdoor organized recreation for young and old, students and non-students. Schools would be seen as community centers of activity, rather than solely as centers of learning.
- Operation of playlot programs by community businesses (especially during summer months). The resources of community businesses should not be ignored in the attack on crime, especially since they directly benefit from any drop in the community crime rate.
- Such business participation has been beneficial in Chicago, for example, where Sears, Roebuck and Company, through a branch of the YMCA, gives youngsters access to four major parking lots at the Sears national headquarters for use as a playlot during nonbusiness hours. Other Chicago business interests sponsor similar projects for young people. Since the involvement of business in crime prevention began, reports of commercial vandalism have decreased substantially.*

*Police and Public: A Critique and a Program, Final Report of the Citizens Committee to Study Police/Community Relations in the City of Chicago to Mayor Richard J. Daley (Chicago, 1967), pp. 152-55.

B. Treatment

Within the juvenile justice system, because of workload demands, probation treatment takes a secondary role to case processing. More staff are needed, and primary responsibilities should be assigned for interaction with probationers. Specific suggestion along these lines include:

- Hiring of additional staff for both adult and juvenile probation offices (with accompanying budget increases and space allocations).
- Establishment of a compatible salary and fringe benefit schedule for the Juvenile Probation Office staff in comparison with that offered by the Adult Probation Office and Juvenile Parole Office. All three offices recruit from the same pool of prospective employees.
- Establishment of a staggered working schedule to include weekend and evening work so that probation officers can make home and school visits as a matter of routine. Probation officers should work in the field and not in their offices. They should go to the client, not vice-versa.
- Formulation of specific goals for individual cases under probation supervision and termination of supervision when these goals have been met.

The Intensive Probation Supervision Project proposed for Pilot Cities discretionary funding is closely related to improvement of probation as a treatment function.

Successful treatment of the offender requires extensive participation by community agencies. Probation officers can do little actual treatment, aside from counseling. Specialized services (e.g., job training, drug abuse treatment, alcoholism treatment, mental health therapy) can be more economically met by existing community resources. As is discussed under prevention and treatment in Chapters IV and V, treatment of the offender within his social milieu offers greater potential for success than treatment offered during incarceration.

Any community has a certain number of "problem families" who contribute to both the juvenile and adult delinquent and predelinquent treatment pool

because of chronic problems (e.g., alcoholism, low income, unemployment, child neglect). Considerable literature is available on the apparent success of attempts to treat the members of these families as a unit, rather than as individuals. Currently, in Albuquerque, those concerned with planning for allocation of revenue sharing funds have proposed creation of a family service unit designed to provide family-centered therapy. The plan also calls for close coordination between this unit and the various other agencies in the community devoted to solving social ills. In particular, the unit would work in close coordination with criminal justice agencies (especially probation and parole agencies) and with school counselors (to provide early identification of potential delinquents). The Pilot City team believes this concept merits serious consideration for implementation by government officials and should be adopted with adequate financial support.

In addition to the treatment recommendations offered above, a serious need currently exists in Albuquerque for treatment alternatives directed toward suspected and known offenders. At present, in both the juvenile and adult systems, treatment is limited mainly to incarceration or probation (with minimal supervision and followup because of heavy workload), with limited referral to community treatment sources.

Based on considerable commitment of private donations, as well as government funds, the Director of the Bernalillo County Detention Home has proposed establishment of a broad range of treatment alternatives for problem youths, including foster homes, long-term and short-term group homes, and halfway houses for juveniles returning to the community from the state's institutions for juvenile offenders. Placement and treatment would be based on in-depth diagnosis of individual problems and needs, and treatment would be characterized

by extensive counseling, use of community educational and therapeutic resources, and follow-up. The benefits of such a juvenile treatment approach have been proven in implementation of such programs throughout the country. Based on early success of these treatment alternatives, and the desire to avoid further "hardening" the juvenile's crime pattern by institutionalization, the establishment of such a broad range of treatment modes is in keeping with the current juvenile rehabilitation movement across the country. The Pilot City team believes that implementation of this program, based on intensive, close interpersonal interaction with juvenile offenders, is imperative if Albuquerque/Bernalillo County is to achieve any dramatic reduction in juvenile crime, and that this project should be endorsed and supported by government officials and planners.

Similar treatment alternatives are needed for adult offenders. The Recidivism Control Project, discussed in Chapter V for Pilot Cities funding, would be one component of such a system for adults -- a bail halfway house for adults.

C. Diagnosis

Successful treatment of a potential of known offender implies accurate diagnosis of his problems. If diagnosis is faulty or sketchy, the effectiveness of disposition and treatment is severely weakened. Ideally, diagnosis for both juveniles and adults should occur both prior to adjudication and after adjudication so that meaningful decisions can be made as the offender progresses through the criminal justice system.

At present, as discussed earlier, diagnostic efforts are limited by heavy workload in the Juvenile Probation Office and are limited to presentence reports for adult offenders.

There still exists a need to perform diagnostic services for predelinquent youngsters who have been identified by agencies outside the criminal justice system (e.g., the public schools) and who have not yet been drawn into the system. The diagnostic services of the family service unit discussed earlier under Treatment could fill this gap. It is important, however, that the juvenile diagnostic services, family services unit, and juvenile treatment alternatives program be coordinated to avoid duplication of effort and to maximize the success potential of selected treatment programs. These efforts should also be coordinated with existing diagnostic services being performed by community agencies (e.g., services of the Bernalillo County Mental Health Center). Such coordination primarily involves specification of routes through the community's diagnostic and intake service units for known offenders, suspected offenders, and potential offenders; establishment of centralized governmental accountability for the operation of these services (at least those for known and suspected offenders); and development of procedures for data collection, retrieval, and exchange among the diagnostic units.

D. Disposition

There is a need for judges, probation officers, correction officials, and lawyers to aggressively advocate changes in sentencing alternatives and, where indicated, statutory provision on sentencing. The treatment alternatives discussed earlier should provide broader latitude to judges who believe that neither probation nor incarceration fits the needs of specific offenders.

Another aspect of this problem which deserves attention by court officials is the appearance to the public of arbitrariness in sentencing decision. A suggestion that has been implemented successfully elsewhere in the nation is

establishment of sentencing seminars for judges. The seminars are designed to achieve a consensus among judges within a certain district concerning the penalties imposed for various offenses and various types of offenders to eliminate wide variation in sentencing practices.

E. Prosecution

Much of the current weakness in prosecution efforts is due to lack of legal training among law enforcement officers who must ensure the rights of the accused, determine the appropriate charge, and prepare evidence against the accused so the case can be turned over to the district attorney.

The Albuquerque Police Department and the Sheriff's Department should expand its in-service training program for law enforcement that focuses on the elements required to support proper prosecution.

The legislature should cooperate with the District Attorney's Office to establish a salary and merit career environment that will attract and keep qualified attorneys.

The District Attorney's Office should take steps to improve communication with law enforcement officers concerning case preparation and should feed information back to law enforcement officers regarding final disposition of cases and the reasons for that disposition.

In the area of improvement of accountability to the public of prosecution efforts, steps should be taken to increase the visibility of the "unofficial" decision-making process (e.g., plea bargaining, sentence negotiation).

The Post-Arrest Processing Project proposed in Chapter V as a component of the internal Pilot City research program is directed toward this need.

F. Pretrial Detention/Release

The problems of diagnosis, early treatment intervention, and release alternatives to "jail" or "bail" are addressed in Chapters IV and V and will not be reiterated here. The Recidivism Control Project, proposed for Pilot City funding, and the District Attorney's planned program for deferred action in selective cases where the accused takes advantage of diagnostic and treatment services are both directed toward shortcomings in this priority area.

Problems still remain regarding detention of suspected offenders. City and county efforts to examine problems of present detention facilities and to devise long-term solutions should be continued. The Pilot City team believes there is a strong need for community action in this area. Officials and citizens should carefully consider all alternatives and make full use of any available existing facilities, particularly since the national trend is toward smaller, decentralized detention units and since numerous alternatives to jail should be available within a year or so.

Further, while the pretrial treatment needs of nondangerous offenders, and the diagnostic needs of most offenders, will probably be met by the projects proposed by the Pilot City team and the district attorney, attention should be given to those who remain in jail. The City/County Detention Department is currently seeking second-year LEAA state block funds to provide counseling assistance to jail inmates who are ineligible for release on recognizance or bail. The Pilot City team believes this has been a worthwhile program and fills a genuine need in the community and desires continued fiscal support.

CHAPTER VII. COMMUNITY AND PILOT CITY PROGRESS

A. Community Progress

During the recent past, crime has been a major issue in Albuquerque/Bernalillo County. The area has been described by the FBI as having the highest crime rate in the nation. Government agencies in this area have made substantial progress in responding to this serious crime problem. This report cannot encompass all changes made by all agencies of the criminal justice system, but it does chronicle the more significant changes.

1. Definition of crime/criminal activity. Shortly before this reporting period, the New Mexico legislature passed the Children's Code, a major piece of legislation and a benchmark in New Mexico legislative history.

The Children's Code impacts on every aspect of the juvenile justice system. In the area of definition of crime alone, it:

- Removed from the juvenile justice system all traffic violations committed by persons under 18 except for the most serious violations, which it redefined as adult offenses,
- Removed from the system cases of neglected and dependent children and redefined them as social, not criminal, problems, and
- Established the distinction between a juvenile delinquent and a child in need of supervision by specifically defining the child in need of supervision and establishing separate procedures for processing each group. Co-mingling of the two groups was prohibited.

In 1973, the New Mexico legislature removed public drunkenness from the criminal justice system. The arrest and processing of public drunks had placed a heavy strain on the criminal justice system and drained away resources that could be better used in solving more serious crime problems.

2. Prevention of crime. The Governor's Organized Crime Prevention Commission was created and staffed to prevent organized crime from encroaching on New Mexico. The staff has full subpoena and investigative powers.

Operation ID was initiated by the Albuquerque Police Department to enable and encourage citizens to label their property, making it less "fenceable." The Police Department also established a Police Athletic League, which provides organized recreation for children, reducing the opportunities for boredom, mischief, and delinquency, and building positive attitudes in the children toward police.

The Albuquerque Chamber of Commerce recently created a Crime Prevention Task Force, which has been very active in:

- Identifying the scope of the crime problem, agency needs, and crime prevention techniques (target hardening) for citizens and businesses, and
- Communicating its findings to citizens and government leaders.

Likewise, local chapters of civic organizations such as the League of Women Voters, the American Association of University Women, and the Junior League have undertaken studies of problems of crime and justice.

3. Detection of crime. Victimization surveys indicate that up to one-half of crime is not reported and is, therefore, undetected by the criminal justice system. Efforts by citizen groups should result in less apathy and detection of more crime. Another effort is the "Turn in a Pusher" (TIP) program, which, according to the police, has been successful in broadening the knowledge about drug activity in the community.

Several governmental actions have been taken to increase detection of crime:

- The Albuquerque Police Department expanded its field force almost 33 percent,

-- The Bernalillo County Sheriff's Department developed a professional data gathering and analysis capability, which allows it to monitor monthly crime trends and respond accordingly, and

-- The state hired a professional pathologist for better diagnosis of wrongful death cases and for improved crime solving techniques in cooperation with police crime laboratories.

4. Apprehension of criminals. Significant progress has been made in Albuquerque/Bernalillo County to increase apprehension of criminals, resulting in sharply increased clearance rates reported by both APD and BCSD (see Table 3, page 9). Both departments have reacted to the number one crime position methodically and professionally.

Improved apprehension of criminals requires increased law enforcement manpower and better utilization of such manpower. The following steps were taken:

-- Both local law enforcement agencies increased their uniformed personnel.

-- The city (using revenue sharing monies) budgeted for hiring 100 more officers to bring APD nearer to the national average for the police-to-population ratio.

-- The APD is also using women in the same capacities as male officers, which increases the potential recruitment pool.

-- Salaries have been increased, which also expands the potential recruitment pool, increases the retention rate of trained officers, and improves the levels of performance and morale.

-- The city and county began to use the "911" telephone system.

Organizationally the law enforcement agencies have made significant internal changes that improve the apprehension capability:

- Recognizing that the burglary and the narcotics units generally pursue the same people, the APD merged the two units.
- The narcotics unit has refocused its activities from soft- to hard-drug abuse, with a resulting significant increase in arrests for heroin and cocaine use and trafficking.
- APD created a sex crime investigations unit including female detectives.

5. Pretrial detention/release of arrestees. In the juvenile area, the Bernalillo County Detention Home (D-Home) is the pretrial detention facility for juveniles. Several changes have occurred within this agency:

- Construction of a new educational/recreational complex, which includes classrooms and a fully equipped gymnasium.
- Expansion of the staff and broader use of volunteers.
- Development of alternative pre-trial detention facilities.

Hogares, Inc., has been formed as a non-profit organization to oversee the development and management of a wide range of group homes and foster care placements. Many of these activities have been given added impetus by the anti-co-mingling stricture in the Children's Code and by staff visits to other cities that have similar programs.

In the adult area, progress has been extensive:

- The joint City/County Corrections/Detention Department was created. This consolidation effort brought together the Albuquerque Police Department-managed lockup and jail and the BCSD-managed County Jail. This placed all three facilities under the direction of a professional prison administrator.
- Planning for a new jail has reached the stage of site selection and architectural design.

- Treatment-oriented staff members have been hired to complement the custodial staff.
- The New Mexico Department of Corrections Probation Division has begun to screen arrestees for release-on-recognizance (ROR), resulting in an increased use of ROR.
- The staff of La Llave has assisted in screening arrestees who are heroin users and who could be safely released to La Llave's custody.
- La Llave was recently awarded an LEAA grant to continue and expand this effort.

6. Prosecution of criminals. Significant changes have occurred in prosecution:

- A New Mexico Supreme Court rule requires prosecution to commence by six months after arrest. This rule and the administrative changes made by the District Court and the district attorney have significantly shortened the period between arrest and trial.
- Case development has improved as a result of closer liaison between the police and the district attorney. Officers from the police and the sheriff's departments work within the DA's office reviewing arrest reports and preparing cases to be presented to the Grand Jury.

In 1973, the state legislature created a public defender program for the Second Judicial District to supplement, not replace, the services of court-appointed counsel.

7. Diagnosis of offenders. In 1973 the Juvenile Probation Office staff was divided into an Intake Unit and a Field Services Unit. The Intake Unit, with a primary diagnostic responsibility but no probation supervision responsibility, is devoting more time to the proper diagnosis of juvenile offenders.

8. Adjudication of offenders. Two judges have been added to the Municipal Court and two to the District Court for the Second Judicial District. Two more judges are scheduled for the District Court in 1974.

A major change in the District Court was the adoption of a new case scheduling system and the corresponding reduction in the backlog of criminal cases. The new scheduling system allows more efficient use of judges' time by ensuring that there will always be a case ready for trial in spite of normal and unavoidable postponements and delays.

9. Treatment of offenders. Significant progress has been made in the treatment of offenders:

- In the juvenile area, the changes at the D-Home and within the Juvenile Probation Office have improved their capability to treat and rehabilitate juvenile offenders.
- The Magistrate Court (having jurisdiction over misdemeanor offenses occurring within the county) has developed a program of volunteers to supervise those offenders placed on probation.
- One heroin treatment program (La Llave) was reorganized, expanded, and partially funded by city and county monies. Begun as a community-based program, La Llave is now closer to functioning as an integral part of the crime fighting and social service components of local government.
- To improve the performance of the correctional community of New Mexico, the New Mexico Correctional Association was formed, and has produced several training programs.
- The DA's Office has developed, with county support, a deferred prosecution program with the two-fold function of providing treatment and reducing workload.

-- Among the community-based treatment programs that have been developed, DESEO and Juntos work with parolees to ease their transition back into the community; PASO works with the specialized case of sex offenders.

10. System maintenance and change. The criminal justice system is a system, albeit a loose one. What knits the agencies together is communication. New communication devices have been developed and old ones improved.

The Metropolitan Criminal Justice Coordinating Council was created by the Governor in 1973 to replace the five-member Region III LEAA planning unit. The MCJCC consists of 26 members, including lay citizens, and has responsibility for planning the expenditure of LEAA funds and coordination of efforts of the criminal justice system agencies. Other committees that have been created include the board of Hogares, Inc. (group homes for juveniles), the Addiction Services Council (treatment programs for drug abusers), the Task Force on the Victims of Sex Crimes, and the board of the General Addiction Treatment Effort (coordinating La Llave and the Alcohol Treatment Program).

If any one agency could be identified as an overseer of the entire criminal justice system, it would probably be the New Mexico Supreme Court. Its rules and decisions affect the entire system. The new rules of the Supreme Court and the progress they represent have been lauded by the National Center for State Courts as being among the best in the nation and representative of a giant step forward.

B. Pilot City Program Progress

The activities of the Pilot City Program team so far have followed a natural progression: (1) becoming oriented to the community and the criminal justice agencies, (2) doing sufficient preliminary research to identify major

problems, (3) strengthening the community's planning, research, and evaluation capabilities, (4) undertaking more detailed research as a basis for designing action programs with greatest potential for continuing impact on the community's crime problem, and (5) working with action and planning agencies in developing effective grant-funded programs.

While the Pilot City team was aware of other needs, early research emphasized law enforcement, most specifically in assisting the Albuquerque Police Department and attacking the city's skyrocketing property crime trend. It assisted in designing and implementing many innovations in the Department.

Subsequently, the team emphasized research in the juvenile justice area. Juvenile crime had been identified as a major segment of the city's overall crime problem. Rehabilitation directed toward the potential career criminal at the earliest possible stage appeared to offer the greatest chance for success. The team worked regularly with officials responsible for juvenile justice to develop a comprehensive, innovative plan of action as a major thrust of Pilot Cities Phase II. These officials include the first new juvenile court judge in 24 years, the Juvenile Probation Office staff, the staff of the Juvenile Detention Home, and the Juvenile Justice Planning staff of the MCJCC.

The following are principal areas of progress of the Pilot City Program:

1. Improvement of law enforcement capability. Initial grant-funded programs were designed primarily to improve the efficiency of basic police operations. Contributions of the Pilot City team to this effort (as to other grant-funded agency projects) were mainly in planning, program conception and design, and grant application preparation, in cooperation with agency officials. Projects funded include:

- Team Policing (APD),
- Metro Narcotics Squad (APD), and
- Crime Lab Survey (APD).

Other grant-funded projects assisted by the Pilot City team were designed to strengthen police and prosecutorial actions against property crimes (robbery, burglary, larceny, and auto theft). The major law enforcement programs were directed toward upgrading tactical planning and investigative capability. Projects designed included:

- Property Crime Reduction (APD),
- Property Crime Reduction (BCSD),
- Youth-Related Property Crime Reduction (APD and APS), and
- Property Crime Prosecution (district attorney).

Related internal research of the Pilot City team (mainly to support innovative law enforcement operations and to direct attention to the need for statutory changes to improve the capability for prosecuting offenders) include:

- Transfer potential of crime-specific programs to metropolitan Albuquerque,
- A preliminary inquiry into the marketing of stolen goods in Albuquerque,
- Police operations analysis,
- Analysis of armed robbery patterns in Albuquerque,
- Analysis of rape investigation techniques, and
- Analysis of aggravated assault/murder in Albuquerque.

Assistance was provided by the Pilot City team to law enforcement agencies to advance their knowledge of effective police tactics and operations and to introduce new techniques. This assistance included:

- APD Internal Inspections Unit (in examining quality of case preparation and utilization of investigators). Resulted in: (a) combining

burglary and narcotics investigative units, (b) moving juvenile detective offices next to those of Criminal Investigation Unit to enhance cooperation and information transfer, and (c) issuing a general order on quality of case preparation and placing responsibility with supervisors for quality control and interchange with the District Attorney's Office.

- APD Internal Inspections Unit (in testing value of problem-oriented, as opposed to organizationally-oriented, inspections).
- APD Crime Analysis Unit (in defining mathematical applications to support tactical planning and evaluation).
- APD records and information system review and recommendations to support future planning.
- On-site evaluations of innovative programs and selected training as part of the technology transfer responsibility.
- Evaluation of Metro Squad, crime lab survey, and team policing programs (CJP-73-5: Crime Reduction in Albuquerque, Evaluation of Three Police Projects), and
- APD Sex Crimes Unit (in instructing officers to deal effectively with the social and psychological problems endured by victims of sex offenders).

2. Improvement of the quality of justice. A grant-funded project was designed to establish Centro Legal, a program activated by the UNM Law School and the Mexican-American Legal Defense and Education Fund (using law students) primarily to provide legal assistance and counsel to indigents accused of misdemeanor offenses.

A follow-on project is now pending, the grantee being the new Public Defender Office of the State of New Mexico. This project is intended to

evaluate, by performance comparison, law students and members of the Bar in the criminal justice arena.

Internal research of the Pilot City team was directed toward needed statutory and administrative changes related to:

- Indigent defense in misdemeanor cases,
- Pretrial release, and
- Compensation for victims of crime.

Assistance was provided to the UNM Law School (primarily to law students) in designing and incorporating Centro Legal.

3. Improvement of public understanding of the potential for heroin treatment in reduction of crime. Internal research by the Pilot City team was conducted to establish the extent of the heroin problem here, to investigate responses proven effective in other communities, and to determine the effectiveness of current programs in Albuquerque.

- Dr. Robert DuPont, director of the Washington, D.C., Narcotics Treatment Administration, was brought here to give a lecture on the subject and to consult with local officials on the problems of heroin treatment, and
- Dr. DuPont was brought to Albuquerque a second time by the Pilot City team to assess the current management of the La Llave Program and to recommend improvements.

Assistance was provided to local agencies to direct attention to the heroin problem. These efforts included:

- Encouragement of the Chamber of Commerce Crime Prevention Task Force to create a Drug Abuse Committee (and subsequent participation of a Pilot City team member on that committee).

- Encouragement of the City's Revenue Sharing Task Force to consider heroin treatment in its resource allocations directed toward crime reduction.
- Encouragement of La Llave to apply for a TASC (Treatment Alternatives to Street Crime) grant from LEAA. (An announcement on the awarding of this grant was made recently), and
- Encouragement of the city and county governments to participate in the funding of La Llave as a crime reduction agency as well as a heroin treatment agency.

4. Improvement of community cooperation in crime prevention and agency responsiveness to community needs. Grant-funded programs include three designed to improve police responsiveness to community needs:

- Race and cultural relations training (APD),
- Spanish Language training (APD). As a result of this grant, a Spanish language course has been made a permanent part of the curriculum of the Police Academy, and
- Psychological consultation (APD).

Internal research of the Pilot City team was conducted (in association with a UNM contract with the City of Albuquerque) to assess current police/community relations and to recommend ways to improve those relations. This resulted in a two-volume report, Police/Community Cooperation and Understanding Evaluation Project (Study Findings and Recommendations). A continuing internal research project is the Public Awareness Study.

Assistance was provided to a variety of concerned agencies and community organizations, including:

- Urban Coalition, Police/Community Relations Subcommittee: Copies of police/community attitude study provided and subcommittee briefed on implications of study for future action.
 - Chamber of Commerce Crime Prevention Task Force: Statistical data on local conditions and information on effective crime-reduction techniques being applied in other cities to a wide variety of crime problems.
 - Volunteer Action Committee: Advice on criminal justice needs for volunteers; also, assignment of students to volunteer probation work by Dr. Pedro David (UNM sociology professor).
 - University of Albuquerque: Assistance in planning a teacher corps program involving the U of A and the New Mexico Department of Corrections.
 - City/County Detention/Corrections Department: Continuing assistance regarding definition of needs and jail planning.
 - Southwest Valley Youth Development Program: Assistance in program planning, development of plans for a post-trial halfway house, and evaluation.
 - Albuquerque Police Department: Evaluation of race and cultural relations training, and
 - Task Force on Sex Crimes: Assistance in studying sex crimes, particularly rape, through internal research and committee coordination with local agencies to effect improvements in the manner in which sex crimes are investigated and prosecuted and victims handled.
5. Improvement of agency management and planning capability. Grant-funded programs to advance the education of law enforcement personnel and to study agency management needs included:

- Police Educational Incentive Program (APD), and
- Agency Management Analysis (Bernalillo County, but encompassing all criminal justice agencies in the metropolitan area).

Another grant-funded program was designed to improve the records system of the Second Judicial District, Criminal Division. The projects directed at property crime reduction by the APD and BCSD included funds for in-house research and evaluation capabilities in those agencies. Four grant-funded projects include funds for research positions in the Municipal Probation Office, City Manpower Planning Office, Juvenile Probation Office, and Public Defender's Office.

Internal research by the Pilot City team was designed to establish a baseline definition of local crime problems, demonstrate new planning techniques, and provide insights into needed changes. Projects included:

- Comprehensive survey of crime and delinquency in Metropolitan Albuquerque (and associated workloads of criminal justice agencies).
- Definition of criminal justice objectives, activities, and high-priority needs for improvement.
- Needs for information exchange among criminal justice agencies.
- Perspectives on the criminal justice system from the viewpoint of five career criminals (results of this study to be published this spring as a book, The World of the Burglar: Five Criminal Lives, by UNM Press).
- Continuing collection of baseline data based on an 1100-case sample of offenders as they progress through the criminal justice system, and
- Computer Simulation of the criminal justice system.

Assistance was given to local agency managers, encouraging creation of a planning body encompassing a broad spectrum of criminal justice and community-based treatment agencies that would be directed toward problems within the metropolitan area. This led to creation of the Metropolitan Criminal Justice Coordinating Council. In other planning areas, the Pilot City team efforts included:

- Seminar series on high-priority crime problems: Bringing nationally recognized experts to Albuquerque to give public lectures and to consult with local officials.
- City of Albuquerque: Advice on the development of an offender-based-transaction criminal justice information system proposed for revenue sharing funding.
- Region III Planning Commission: Assistance in designing and preparing grant application for Large City/County Special Grant (from LEAA) to support planning and research staffing capability in local criminal justice agencies lacking such support. Also continuing assistance in preparing other discretionary grants and in offering supplemental information related to block-program planning.
- Second Judicial District, Criminal Division: Assistance in records system improvement planning, and
- State criminal justice agencies budgetary planning meeting: Coordination and technical assistance was provided to a budget planning meeting of about a dozen state criminal justice agencies.

6. Improvement of juvenile adjudication, corrections, and rehabilitation programs. Several Pilot City grant-funded projects have been designed to improve juvenile adjudication, corrections, and rehabilitation programs.

These include:

- Youth-related property crime (APD),
- Intensive probation supervision (Municipal Probation),
- Comparative probation supervision (Juvenile Probation),
- Offender reintegration program (City Manpower Planning in coordination with Corrections Department and public schools), and
- Recidivism control (City/County Corrections/Detention).

Internal research of the Pilot City team has focused for nearly two years on the comprehensive area of juvenile justice, as an outgrowth of the baseline survey (Crime and Justice in Metropolitan Albuquerque, 1971), which identified juveniles as responsible for about half of Albuquerque's property crime. Major reports of this effort to date are:

- Bernalillo County Juvenile Justice System: Preliminary Description and Analysis, and
- Juvenile Justice System in Albuquerque/Bernalillo County.

Other projects include:

- Analysis of Post-Arrest Processing of Adult Offenders,
- Analysis of Rape Victimization and Prosecution Patterns,
- Analysis of Aggravated Assault/Murder in Albuquerque,
- Analysis of Worthless Check Passing in Albuquerque,
- Analysis of Prevention/Rehabilitation Services and the Black Community, and
- Witness Utilization.

Assistance to planning bodies and citizen groups has been provided to spotlight the juvenile crime problem, the lack of adequate attention to post-arrest handling of offenders, and to develop and implement solutions. Agencies involved in this effort include:

- Metropolitan Criminal Justice Coordinating Council,

- Governor's Council on Criminal Justice Planning,
- Revenue Sharing Task Force,
- Juvenile Probation Office,
- Juvenile Detention Home (especially planning assistance directed toward improved juvenile detention facilities and development of a network of juvenile group homes),
- Second Judicial District, and
- New Mexico Department of Corrections.

As a result of the assistance provided by the Pilot City team, the following agency changes have occurred:

- A division of labor in the Juvenile Probation Office, which resulted in the creation of a community-based field service unit to supervise juvenile probationers.
- The preparation, on a regular basis, of social summaries of juveniles housed in the Detention Home.
- The expansion of the Albuquerque Public Schools programs for juvenile offenders and releasees from the New Mexico Boys' School.
- The evaluation of the Honor Farm of Los Lunas to determine the feasibility of changing its primary function from production of food stuffs to a pre-release facility.
- The expansion of the use of City Manpower funds in the post-release corrections area, and
- The expansion of nondetention home facilities for children who cannot be safely kept at home but do not require the security of the Detention Home.

C. Evaluation of Improvement Programs

Per capita crime reported to the police in this metropolitan area has dropped for two years in a row after a long-term increase. Major crime per capita in 1973 was 7.5 percent lower than in 1972. While this cannot be linked to specific projects, it must be considered in an overall assessment of the situation.

Especially significant progress has been made in the following areas:

- Strengthening of the capabilities of law enforcement,
- Improvement in the speed and productivity of the prosecution and adjudication functions,
- Initiation of public defender programs,
- Provision of local financial support to heroin treatment programs,
- Awakening to the importance of non-law-enforcement functions of criminal justice,
- Appreciation of the value of coordination of planning by several criminal justice agencies,
- Transition of many agencies from relatively passive to more active roles in planning for innovation, and
- Development of basic professional capabilities for criminal justice research and evaluation.

The minor gains achieved thus far in certain areas, while praiseworthy in themselves, naturally direct attention toward unrealized potential gains:

- The prosecution of a few dealers in hard narcotics who handle moderate-sized transactions reminds us that most of our effective police activity in this area continues to involve drug users and user-pushers.
- The arrest of a few persons alleged to be "fencing" stolen goods emphasizes the limitation of our success in getting beyond the

common thief into the multi-million dollar enterprise involving stolen goods.

-- The machinery of criminal justice moves more efficiently, but does so largely in relation to minor offenses by the poor, by children, and by other disadvantaged persons.

-- Public apathy and misinformation are being overcome only to the extent that with some exceptions, people merely engage in self-help activities, support their police, and criticize others for softness. Most real prevention, corrections, and rehabilitation opportunities remain underfinanced or undiscovered.

-- Attention to victims of crime in some areas, such as the victims of rape, only raises the question, "Why so little attention to victims?"

-- Decriminalization of one form of behavior, public drunkenness, without undesirable consequences, should motivate us to look for other such opportunities -- opportunities to cut costs, remove distractions, and reduce discriminatory enforcement.

-- Improvements in the quality of justice -- in the protection of civil rights -- are too minor to respect the preciousness of those rights.

Justice and crime in this metropolitan area are receiving the attention of a partnership of federal, state, and local agencies; public and private resources; and planning and action bodies. Progress has been made in the ability of this community to solve many problems, in the maturity to recognize unfinished tasks and in a determination to find new solutions. The Pilot City Program is committed to the support of this movement.

END

James H. H. H.