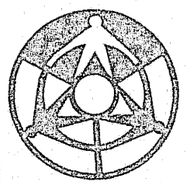

THE AMERICAN UNIVERSITY

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
Institute for Advanced Studies in Justice
The American University Law School
Washington, D.C.

A Program of the
Office of Regional Operations
(Adjudication Division)
Law Enforcement Assistance Administration
U.S. Department of Justice

RECOMMENDATIONS FOR COMPREHENSIVE COURTS PLANNING IN MISSISSIPPI

PHASE I: PLANNING STRATEGY

Submitted by:

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The American University Law School
Institute for Studies in Justice and Social Behavior
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I. INTRODUCTION

The Mississippi state planning agency, the Division of Law Enforcement Assistance, has dedicated its resources, in cooperation with state and local resources, to develop and implement an annual comprehensive state plan for 1974. The Governor of Mississippi and the Division of Law Enforcement Assistance desire to improve their planning process, program development and implementation in the courts area. They chose a unique and courageous approach, a first, to this end when they decided to ask for technical assistance composed of a courts specialist of another state planning agency and various persons from other states representing courts, prosecution, defense and juvenile delinquency who serve their respective courts and agencies daily and have been active in planning and program development and implementation.

The Mississippi state planning agency, the Division of Law Enforcement Assistance, has had a turnover in personnel in the courts area, and further, they have recognized their deficiency in planning capability. They state in Planning for Action: Comprehensive and Local Methodology, that

> Since its inception, the Division of Law Enforcement Assistance has been hampered by the lack of an effective planning capability. There have been no definitive plans made for the improvement of the criminal justice system; there has been no data base established to determine problem areas in the system; and, there previously has been no methodology established for evaluating past progress and determining whether the millions of dollars of funds have been effectively used in improving the criminal justice system.

The lack of effective planning capability coupled with newly employed courts specialists has created a serious problem in the planning and program development and implementation for the courts, prosecution, defense and law reform areas.

Under the auspices of the Law Enforcement Assistance Administration's (LEAA's) Criminal Courts Technical Assistance Project at The American University, an eight-person technical assistance team assembled in Jackson September 24-27, 1973 to assist the Division of Law Enforcement Assistance in developing its planning process to best address the needs and problems of the Mississippi judicial system in the component areas of courts, prosecution, indigent defense and law reform to result in a more realistic judicial services component in the Mississippi comprehensive plan for 1974. The team met with Mississippi officials in both small groups as well as combined team and state representative sessions. The focus of these meetings was upon exploring the problem areas identified by the various attendees. Numerous programs, approaches and planning concepts were explored, with the goal of developing a methodology for planning.

The present report documents the first phase of this assistance which focuses upon the requisite planning strategy for improving court programs in the state. Once the report of the first phase of assistance has been reviewed by the Division of Law Enforcement Assistance and the Office of the Governor, the team leader will meet with the staffs of the Division and the Governor's offices to discuss specific planning, programs and projects along with details of their implementation. The report on this second phase of assistance will reflect with reasonable specificity the planning accomplishments to date and the team's recommendations for future implementation.

The principal participants in these planning sessions were:

TECHNICAL ASSISTANCE TEAM:

Planning/Programming

Willis Whatley, Team Leader, Director of Judicial Processes and Law Reform, Texas Criminal Justice Council

Courts

Nancy Hall, Court Administrator of the 2nd Circuit Court District, Gulfport, Mississippi

Gordon Allison, Court Administrator of the Maricopa County Superior Court, Phoenix, Arizona

Defense

C. Paul Jones, Minnesota State Defender

Hon. R. A. Green, former Public Defender, Gainesville, Florida

Juvenile

Dean John F. X. Irving, Seton Hall University; former Director of the Illinois Law Enforcement Commission and authority in juvenile law

Prosecution

James Beck, National Center for Prosecution Management

William Schafer, Assistant Attorney General for Arizona

MISSISSIPPI DIVISION OF LAW ENFORCEMENT ASSISTANCE

William Grissett, Executive Director
David Clarke, Senior Courts Specialist
William McClelland, Courts Specialist
Tom Waldrop, Administrative Assistant
Ed Pace, Planning Aide

OTHER MISSISSIPPI OFFICIALS

Dallas Williams, Justice of the Peace Association
George Van Zant, Executive Director, State Bar
Arlen B. Coule, Criminal Justice Research Institute, University of Mississippi
Marshall J. Hartman, National Legal Aid and Defender Asssociation
Albert Necaise, District Attorney, 2nd District, Gulfport
Noah S. Sweat, Jr., Professor of Law, University of Mississippi
James W. Warren, Jr., Executive Director, Mississippi Prosecutors Association
Mary Libby Payne, Assistant Attorney General
Judge Carl Guernsey, Youth Court, Hinds County, Jackson
Judge James Arden Barnett, Chancery Court, Hinds County, Jackson
Chief Justice Robert G. Gillespie, Supreme Court of Mississippi
Associate Justice R. P. Sugg, Supreme Court of Mississippi
Dale Dauks, County, Jackson, Secretary-Treasurer, Mississippi Prosecutors Association

II. EXISTING SITUATION

The Mississippi Division of Law Enforcement Assistance has a total staff of 46 working in both the main office in Jackson and in the Division's four regional field offices in Greenwood, Gulfport, Jackson, and Oxford. Each regional office has a staff of three: a program specialist, a project monitor, and a secretary.

Since its inception, the Division has been hampered by the lack of an effective planning capability. As stated in Planning for Action, no definitive plans have been made for improving the criminal justice system in the state. There has been no data base established to determine problem areas in the system, nor a methodology established for evaluating past progress and determining the effectiveness of the millions of dollars expended. This lack of effective planning and evaluation of resources, coupled with the relative inexperience of newly employed courts specialists, has created a serious problem in developing and implementing programs for the courts, prosecution, defense and law reform areas.

III. MAJOR PROBLEM AREAS AND RECOMMENDATIONS

Many of the problem areas identified below have been dealt with by the Division of Law Enforcement Assistance since the September conference. In many areas, changes have been made and new approaches and solutions have been implemented. For those problem areas remaining, some will involve substantially more time than others, but, in any event, the basic capability exists among the Division staff to deal with these areas effectively.

A. Staffing of Division of Law Enforcement Assistance

The present staffing organization, job qualifications and job descriptions should be reviewed, utilizing available technical assistance resources. This review should include regional staff members, particularly regarding their responsibilities to local units of government in the various regions. Staff organization, job qualifications and job descriptions should be established in writing. Lines of authority and responsibility should be clearly defined to provide for coordination of all staff activities, planning and funding. In addition, a policy and procedure manual for the staff should be prepared. The Executive Director of the Division should discuss this staffing review as well as the proposed staff manual in depth with Division staff.

This staffing review should be accompanied by an examination of all professional staff salaries and the possibility of creating exempt salaries

should be considered in order to obtain and retain qualified professional staff. In regard to the staffing of the courts section - the most sensitive and critical section in the Division of Law Enforcement Assistance - consideration should be given not only to knowledge and experience, but also to demeanor, acceptance of the individual among court, prosecution and defense officials, as well as to the individual's ability to serve and to assist in program and project planning and implementation. Moreover, adequate travel policies and funds should be provided at the earliest possible date to allow in-state and out-of-state travel of professional staff.

B. Comprehensive Planning

The Division of Law Enforcement Assistance should consider utilizing available technical assistance to develop a planning methodology. Clearly defined planning policies and procedures should be developed and implemented by all staff. The Crime Control Act of 1973 and guidelines issued by LEAA should be reviewed by the staff to familiarize them with the objectives of a comprehensive plan and the requisite capabilities for its development. Provision should also be made for developing a uniform data base and data gathering procedures during the plan's development.

The process of developing the comprehensive plan should involve the commission and the executive committee. These two groups must be knowledgeable about all problems and planning objectives confronting the staff so that they provide the necessary leadership in all phases of the Division's responsibilities.

For purposes of data gathering and program and project development, the staff should consider working on the basis of judicial districts. This approach would utilize the twenty district attorney offices and circuit judicial districts as a starting point and should provide for uniform project development and implementation. Personal contact by the Division staff will, of course, be essential to establish and maintain communication with all personnel in the courts, prosecution and defense areas. In addition, the staff of various projects could be used to gather this data for the regional offices so that the Division's staff will have the necessary information to examine the basic problems confronting the courts, prosecution and defense in the state.

This approach should be discussed with potential project directors to refine and develop an inclusive program description.

C. Regional Planning

The new regional methodology approach in Planning for Action should be implemented with clearly defined time schedules for achieving total implementation. However, the local methodology described in Planning for Action should be carefully reexamined and evaluated. From the viewpoint of the technical assistance team, this local methodology will be unworkable and will not produce the desired results and might, in fact, cause confusion and misunderstanding among local officials who will be asked to perform many tasks without training or daily guidance.

To provide the Division's regional staff with expertise necessary for regional plan development and implementation, a regional training

program should be launched. Job responsibilities, qualifications and descriptions should be drafted, implemented and regularly monitored. Regional staff should be available to all potential and funded applicants to assist in project application drafting, implementation and monitoring. The regional staff should be service oriented. Further, they should regularly visit and communicate with the local officials in their region.

D. Communication Between Staff, Commission, Executive Committee, Courts Subcommittee, and Key Personnel in the Courts, Prosecution, and Defense

The Division's courts staff should know and visit frequently with the members of the Courts Subcommittee. Subcommittee members should be utilized when possible in project development, implementation, and monitoring, and their advice and counsel should be sought throughout the year. The staff should provide the subcommittee with an abstract of each grant application at least ten days prior to each meeting. At the same time, the staff should provide the commission and executive committee with digests of projects with adequate descriptive detail.

In addition, the courts staff should regularly seek the advice and counsel of the Supreme Court, the leadership in each level of the various courts as well as the district and county attorneys and the defense bar. The state and local bar associations should be requested to become involved in the plan, program and project development, and implementation. The staff should also continue to utilize the expertise of the University of Mississippi to support court projects.

E. Allocation of Funds to Courts Programs (Courts, Prosecution, Defense, and Law Reform)

The Crime Control Act of 1973 clearly states the requirement for court planning and program development. This requirement for a comprehensive plan should be thoroughly explained to the court subcommittee, commission and executive committee. Court programs with proposed projects selected from potential applications should clearly demonstrate the financial requirements involved, and their selection should be on the basis of stated priorities.

F. Program and Project Development

The courts program staff should consider using small advisory committees in the courts, prosecution, defense and law reform areas to assist in program and project development. Key personnel are available in each area, and their knowledge and expertise should be used. The advisory committees and courts program staff should consider the development of pilot projects that are clearly defined with measurable results and adequate funds. Technical assistance should be used where appropriate, and should be secured from all available resources, both in and out of state.

Consideration should be given to funding the prosecutors' association for its own staff and financial resources. In addition to the continued use of the resources of the University of Mississippi Law School, training should be examined with a view to its possible expansion.

Judicial training should also be examined with thought given to the creation of a judicial continuing education committee to plan and implement highly visible training programs for all levels of judges. The resources of the University of Mississippi Law School should be continued in these new training programs.

The State Bar of Mississippi should be requested to become an active participant in the efforts of the Division of Law Enforcement Assistance and should be requested to form a criminal justice advisory committee to assist in the interchange and exchange of ideas, problems and needs and possible solutions. In addition, the State Bar should be requested to publish in its journal, with a brief description, each grant award for courts, prosecution, defense, juvenile delinquency and law reform, so that the entire bar membership would be aware of funded projects. Follow-up publications on the results of these projects would further assist in the understanding and participation of the bar membership.

The junior bar or young lawyers should be utilized as an advisory board to assist in the development of programs and projects. The experience of many states has shown that junior bars can provide a potential resource of persons who can contribute to programs and projects funded both now and in the future.

Guidelines and criteria for preparing grant applications should be developed by the Division staff and a uniform data base should be established for evaluating projects. Grantees should be advised as to what is expected of them from the Division of Law Enforcement Assistance, including project management and financial reporting. In this regard, a police and procedure

manual and a financial manual should be developed and published, and all staff members should be trained to respond to basic and fundamental questions concerning these requirements.

G. Legislation

The Division of Law Enforcement Assistance should review its role in the process of securing the passage of legislation. The commission and executive committee should be thoroughly advised in writing in this regard and the Division's efforts should be supported by all persons in the courts, prosecution, defense and state bar. Permanent ad hoc committees should be appointed to give permanence and recognition to these efforts.

IV. SUMMARY

In initiating and developing this technical assistance effort, the Mississippi Division of Law Enforcement Assistance has demonstrated its capability as a valuable, active and productive state planning agency. The candid discussion of problem areas and recommendations is a direct product of the Division's concern and desire to up-grade criminal justice in Mississippi. The results of this first phase of technical assistance should contribute significantly toward developing an effective criminal justice planning methodology in Mississippi as well as provide a new approach for utilizing technical assistance resources in comprehensive state plan development.

END