Criminal Justice Standards and Goals

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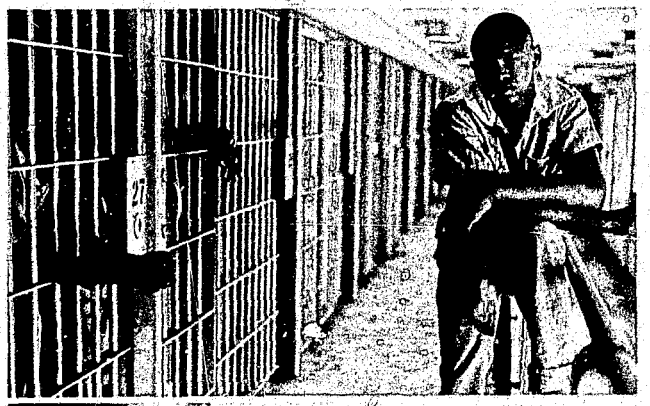
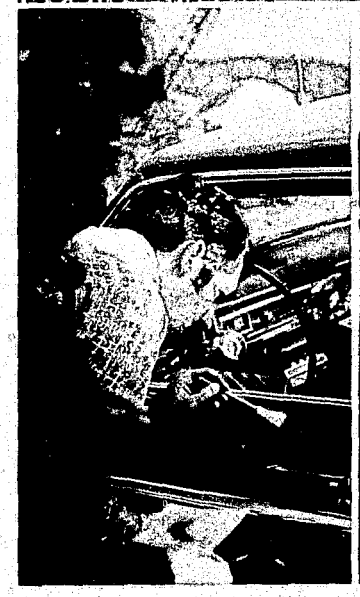
Criminal Justice Standards and Goals for Georgia





STATE CRIME COMMISSION

Additional copies of this report or individual research papers summarized herein are available. Instructions for ordering are included at the back of this report.

Office of the Governor
Atlanta, Georgia 30334

George Busbee
GOVERNOR

Norman Underwood
EXECUTIVE SECRETARY

March 31, 1976

TO: The People of Georgia
Criminal Justice Officials
The Georgia General Assembly

An important achievement of my first year as Governor is the completion of this study. *Criminal Justice Standards and Goals for Georgia* represents two years of intensive research on one of the most perplexing and complex problems we face – crime and its effect on a growing number of Georgians.

This is a significant and constructive course of action that has been charted by the State Crime Commission. With able assistance from the State's criminal justice agency leaders, local public officials, interested citizens, and a dedicated professional staff, the Commission has presented us with a valuable set of standards and recommendations.

The report focuses on steps which the criminal justice community can take immediately as well as long range recommendations which, if implemented, will greatly enhance our State's capacity for handling crime and criminals. It is now up to all of us to find the ways and means to meet these standards and accomplish the goals set forth here. I will be looking to the State Crime Commission and other criminal justice leaders at the State and local levels to make the recommendations a reality and I will be directing the support of this office to the continued improvement of the criminal justice system.

On behalf of the citizens of Georgia, I want to thank all those who helped bring the standards and goals study to its successful completion.

Sincerely,

George Busbee

George Busbee
Governor

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BACKGROUND

Georgia, like other states, is faced with a major crime problem. The violent crime rate in Georgia increased 82.9 percent from 1969 to 1974 while property crimes increased 125 percent. During 1974, one out of every 5,592 Georgians was a homicide victim; one of every 1,887 females was a rape victim; one of every 453 Georgians was an aggravated assault victim; one out of every 566 Georgians was the victim of a robbery; one of every 22 households and commercial structures was burglarized; one of every 60 Georgians was the victim of a larceny; and one out of every 208 registered motor vehicles in Georgia was reported stolen. The steady increase in criminal activity demonstrates the need for concerted action to increase the efficiency and effectiveness of the criminal justice system.

One significant step toward this end was the work of the National Advisory Commission on Criminal Justice Standards and Goals (NAC). Appointed by the Law Enforcement Assistance Administration (LEAA) in 1971, this Commission was charged with the responsibility of developing national standards and goals for the criminal justice system. Two years later the NAC issued 495 detailed standards and recommendations which constituted a flexible action oriented strategy to guide the attack on crime by state and local agencies as well as by private organizations and individuals.

PURPOSE, SCOPE, AND METHODOLOGY

In January, 1974, LEAA demonstrated its commitment to the development of state standards and goals by making funds available to encourage state action. The fifty states were asked to initiate studies to assess the NAC standards and recommendations, the end product of which would be a set of adopted standards and goals. The idea was to introduce a sound methodology of research into criminal justice planning, a relatively new profession in the United States. The planning process was to be sharpened and needs were to be pinpointed. Ultimately, expected benefits would be more effective management of resources and a decrease in the incidence of crime.

The State Crime Commission initiated a comprehensive criminal justice standards and goals study in March, 1974. The Commission first surveyed Georgia's criminal justice system to determine the status of the national standards relative to the state's criminal justice system. An analysis of the survey responses indicated that 32 NAC standards and 10 recommendations were already implemented in state or local criminal justice agencies, leaving 387 standards and 66 recommendations to be addressed.

Final planning was completed in late April, 1974, to implement a two-phase study. Governor Jimmy Carter appointed a 28-member Governor's Commission on Criminal Justice Standards and Goals to provide direction for the first phase and to review and adopt appropriate standards and goals.

Phase I concluded in December, 1974, with the issuance of a report entitled, *Governor's Commission on Criminal Justice Standards and Goals*, which covers 172 of the 495 standards and recommendations. Governor George Busbee designated the State Crime Commission as the body responsible for conducting the study's second phase which was to study the remaining NAC standards and recommendations.

Phase I and II used the same basic study methodology. In developing research papers from which standards would be derived, NAC standards and recommendations were grouped into issues. Issue statements in effect became statements of perceived problems. Research was then conducted which included an assessment of current Georgia practices, other states and federal experiences, and a review of authoritative opinions. The research findings were analyzed and alternative solutions were explored with advantages and disadvantages set forth for each. A preferred alternative was then recommended for adoption which included an implementation strategy, cost estimates and any required legislation.

Once completed, a research paper was subjected to four reviews: by project management, by a Governor's Review Team (advisory only), by the appropriate commission committee, and a final review by the entire State Crime Commission. Lengthy debates and discussions were common at each review level, and consensus was reached on the soundness of the paper before it progressed to the next level of review.

Through this process the State of Georgia has addressed the 495 standards and recommendations identified by the NAC.

Recommendations contained in this report represent the work of both Commissions. The State Crime Commission is now presenting this final report to the state and its citizens. It should be

considered a guide or blue print for action by the Governor, General Assembly, state agencies, and local governments.

The report and the 130-plus research papers are not intended for dusty shelves and oblivion. They mark a milestone, the culmination of twenty-one months of serious work by a large number of dedicated professional staff and Commission members. Moreover, it provides a solid foundation on which to build a better system of criminal justice, as well as more effective crime prevention and crime control programs.

IMPLEMENTING STANDARDS AND GOALS

There are three basic ways of implementing the recommended standards contained in this report: through budgetary means, enactment of legislation, and formulation of new or revised administrative policy.

The State Crime Commission will be working with the Governor, members of the General Assembly, and interested groups in translating recommendations into legislative proposals and budget allocations. Likewise, the State Crime Commission will attempt to implement selected standards by working with other state agencies and encouraging changes in administrative policy.

Additionally, the Commission in its role as the state's criminal justice planning agency will be using the recommended standards as a vital part of the planning process. The state's comprehensive criminal justice plan will incorporate these standards and focus on action programs to make them a reality at both state and local levels.

The documented research papers should also be useful to local governments as points of departure for discussion and planning for improved criminal justice services. If meaningful change is to occur in the criminal justice system, the standards and goals must be accepted and supported by major public interest groups and agencies throughout the state. If local initiative and support are forthcoming, implementation will occur.

Steps to demonstrate one way local governments can use standards and goals to define and effect needed change are already underway. Macon and Bibb County were selected by LEAA as the site for development of a model process for the application of standards and goals study methods to local problems. The work is being conducted by the governing officials of Macon and Bibb County, the Middle Georgia Area Planning and Development Commission, and the Stanford Research Institute of California. These two local governments will use Georgia's standards and goals as a point of departure in the development of an appropriate set of local standards and goals which will assist them in achieving more efficient criminal justice management and improved governmental services.

In addition to assisting Macon and Bibb County, Stanford Research Institute will prepare a standards and goals implementation handbook which should be of assistance to other local governments.

Also available to assist local governments are the criminal justice planners located in each of the state's eighteen area planning and development commissions. These regional planners are familiar with the state's comprehensive criminal justice plan and steps being taken by the State Crime Commission to use criminal justice standards and goals. They are available to work directly with local governments. In addition, the State Crime Commission and Bureau of Community Affairs staffs are available to provide technical assistance to local units of government which wish to develop local standards and goals.

FORMAT OF THE REPORT

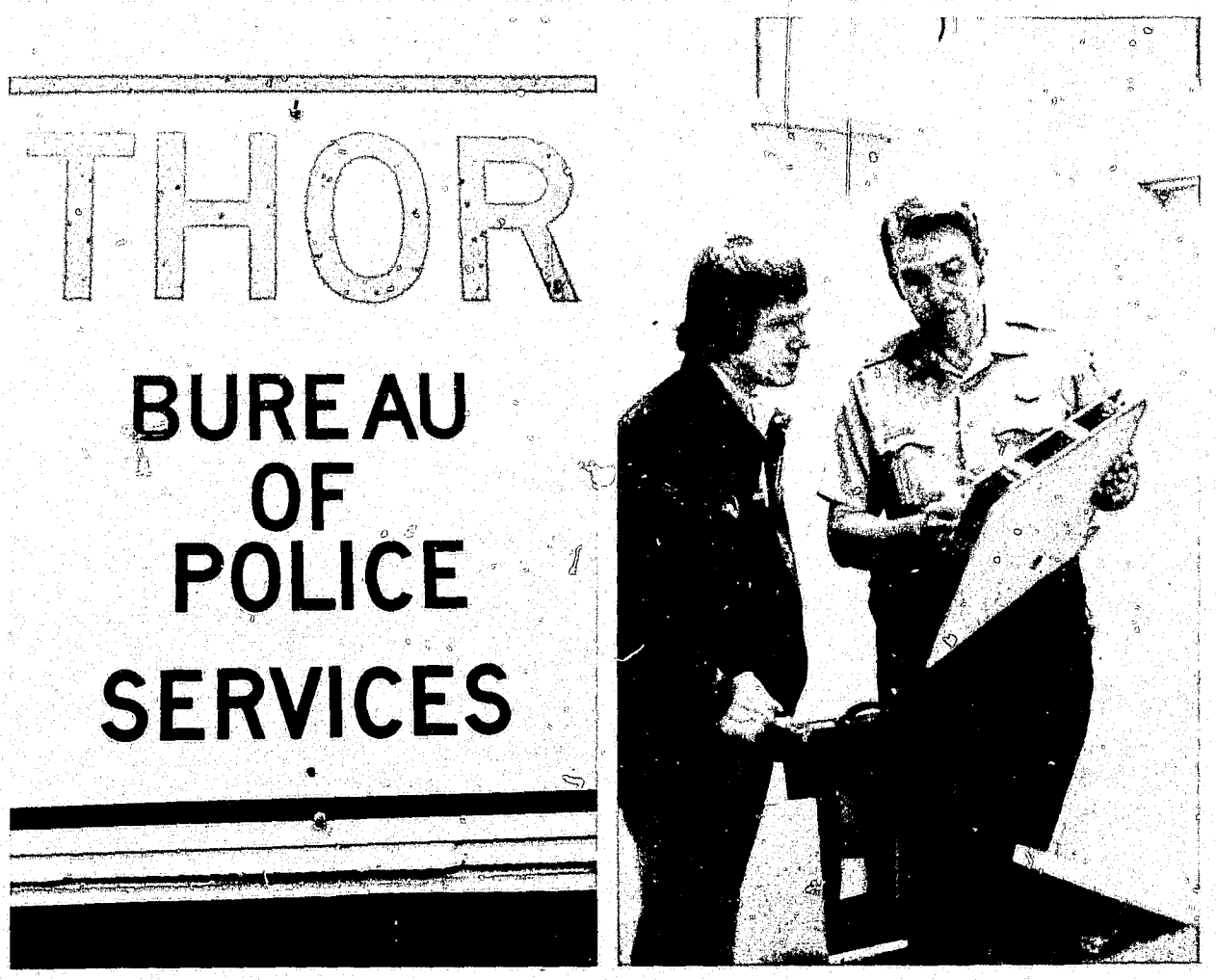
The body of the report is organized around State Crime Commission goals designed to reduce the rate of crime and improve criminal justice. The topic headings presented are grouped under the appropriate goal. Underneath each topic heading is a designation as to whether the subject was studied during Phase I, Phase II, or both Phases. Each section begins with a goal statement and is followed by a brief summary of the recommendations. More detailed summaries follow with selected findings and recommended standards.

The next section briefly describes issues in which the State Crime Commission recommends current practices be continued, pending issues which it will act upon during 1976, and implementation activity known to have occurred as of the date this report went to press.

Finally there is a section describing Georgia's criminal justice system. It also includes graphic illustrations of the criminal justice process and is designed to better acquaint the reader with how the criminal justice system operates.

Minimize Underlying Conditions

GOAL: EXPAND METHODS FOR PREVENTION OF CRIMINAL ACTIVITY BY IDENTIFYING AND MINIMIZING CRIME PRODUCING CONDITIONS AND BY IMPLEMENTING PROGRAMS THAT REDUCE AN INDIVIDUAL'S INITIATIVE TO ENGAGE IN CRIMINAL ACTIVITY.



SUMMARY OF RECOMMENDATIONS

- State legislation should be enacted requiring that all handgun owners meet minimum qualifications, possess a Handgun Owner's License and register all handguns. The purchase of a handgun should be preceded by a designated waiting period. The importation, manufacture, assembly, sale, possession and use of all substandard handguns and component parts should be prohibited. *PHASE I*

- The State Department of Education with assistance from the State Crime Commission should develop a master plan for implementing education programs thought to be crime preventive in three Cooperative Education Service Areas. Career education and extensive counseling within each school system of the state should be legislatively mandated through implementing the Adequate Program for Education in Georgia (APEG). Upon approval of three Cooperative Education Service Areas, the State Department of Education should develop a master plan which includes procedures for improving teacher training, certification and accountability. *PHASE I, II*

- All drug abuse treatment programs should be evaluated and monitored to ensure their effectiveness and safety. In addition, the Drug Abuse Service Section and the State Board of Education should establish a comprehensive statewide drug education program. *PHASE I*

- The Department of Human Resources should develop a comprehensive system of alcohol treatment centers by combining the programs and organizations of the Drug Abuse Services Section and the Alcohol Services Section. *PHASE I*

- The Governor should create a committee of government/community relations personnel to explore ways and means of making government more responsive to the citizenry and to study and recommend methods of ensuring equitable service delivery to all citizens. *PHASE II*

- A comprehensive community planning program should be mandated and implemented. The Governor should appoint a study committee on land use and development to develop appropriate legislation and recommendations. *PHASE II*

- The Georgia Campaign Financing and Disclosure Act should be amended to require more complete and detailed campaign contribution and expenditure reports. *PHASE I, II*

- Georgia should strengthen its youth services bureaus through the establishment of a state supported pilot program. *PHASE I*

- Religious organizations should encourage members to become involved in programs designed to improve community conditions and prevent crime. *PHASE II*

HANDGUN REGISTRATION AND LICENSING PHASE I

FINDINGS

In 1973, nationwide statistics show that of the 19,510 estimated homicides, 53 percent were committed with handguns. Studies have shown that the handgun is the weapon most used in the commission of the majority of violent crimes where there is injury or death.

The overall purpose of the Federal Gun Control Act of 1968 is to provide assistance to state and local governments in controlling firearms traffic within their jurisdictions. Several of its major provisions include curtailing mail order sales, regulating the interstate movement of firearms, prohibiting the importation of inexpensive, low quality handguns and surplus military firearms, and establishing a licensing procedure for firearms manufacturers and dealers. However, implementation of the Act is deficient in that it has not caused any significant reduction in the incidence of handgun-related crimes. One major deficiency is that while the importation of inexpensive, low quality handguns is prohibited, the importation of their component parts is not. This has resulted in the establishment of a flourishing domestic industry which manufactures and assembles such weapons, commonly known as "Saturday Night Specials".

Another deficiency of the 1968 Act is that it does not prohibit the purchase of handguns by criminals or other unsuitable persons. There are regulations with which legitimate dealers must comply, but this has no effect upon the hand-to-hand or "street" sales of used guns which account for approximately 54 percent of all handgun transactions in the United States.

Under current Georgia laws, little difficulty is encountered by anyone who wishes to obtain a handgun. This is equally relevant to law-abiding citizens, criminals, alcoholics, habitual drug users and persons who are mentally or physically incompetent. In order to purchase a handgun, Georgia law requires only that the purchaser be at least 20 years of age. There is no state law requiring that the criminal history of the purchaser be researched, or that his mental, physical or emotional competency to handle a firearm be determined. Also, there is no state law requiring a mandatory waiting period to allow sufficient time for law enforcement agencies to conduct such an investigation.

Once the handgun has been purchased, there is no state law requiring that the weapon be registered with a law enforcement agency. The Federal Gun Control Act of 1968 requires that dealers keep records which identify the type, model, caliber and serial number of the weapons sold and the name, address, date and place of birth, height, weight and race of the purchaser. Each dealer must make such records available for inspection by law enforcement agencies upon request. However, the state does not compile and maintain this information in a central location. Therefore, law enforcement agencies do not have access to a combined source of information which would identify the owner of a confiscated handgun used in the commission of a crime.

In Atlanta, statistics for 1972 show that handguns were used in 53 percent of the 2,143 aggravated assaults. During that same year 69 percent of the 3,074 robberies in Atlanta involved the use of handguns. The Bureau of Alcohol, Tobacco and Firearms of the U.S. Department of the Treasury recently conducted a survey of handguns confiscated in crimes in New York, Detroit, Atlanta and New Orleans from July 1, 1973 through December, 1973. That survey showed that the "Saturday Night Special" accounted for 71 percent of the handgun-related crimes. In Atlanta alone, 592 "Specials" were confiscated during that six-month period which accounted for 72 percent of the handgun related crimes. The Bureau of Alcohol, Tobacco and Firearms survey further showed that most of the confiscated "Specials" found in Atlanta were originally purchased locally, primarily from twelve licensed Atlanta dealers. Neither the State of Georgia nor the City of Atlanta has a law banning the sale or possession of the "Saturday Night Special".

Sixteen states have laws requiring that handgun purchasers obtain prior authorization from the local law enforcement agency before they take possession. Illinois, New York and Massachusetts require the purchaser to obtain a firearm owner's license or identification card issued by the local law enforcement agency as a prerequisite to purchasing a handgun. Both the purchase authorization and the owner's license are issued as a result of researching the applicant's background.

RECOMMENDED STANDARDS

All handgun owners should be required to meet minimum qualifications, possess a Handgun Owner's License and register all handguns. The purchase of a handgun should be preceded by a designated waiting period. Finally, the importation, manufacture, assembly, sale, possession and use of all sub-standard handguns and component parts should be prohibited.

The Georgia Bureau of Investigation, the Department of Public Safety and the State Crime Commission should be jointly responsible for defining minimum standards relating to the physical and mechanical characteristics of handguns. The expertise of persons in the munitions and weapons

industries should be relied upon extensively for all necessary technical information. Once the standards are defined, they should be legislatively enacted. All handguns not meeting those standards should be declared illegal. Using the Illinois and the New York model, legislation should be introduced into the General Assembly to effectuate a meaningful handgun registration and licensing law.

EDUCATION PROGRAMS PHASE I, II

FINDINGS

Evidence strongly supports a link between delinquent and criminal behavior and failure of the educational system to meet needs of various segments of the population. The 1972 Uniform Crime Report of the Federal Bureau of Investigation indicates that 50 percent of all property offense arrests involve persons of school age. The Georgia Department of Education reports that 38 percent of those students entering the eighth grade during 1966-67 left school before the end of their twelfth grade year.

Of those persons arrested in the Atlanta area during 1973 for the crimes of homicide, rape, robbery, aggravated assault and burglary, sixty percent had less than a twelfth grade education and seven percent had less than an eighth grade education. The Atlanta Police Department reports that for the first six months of 1974 persons under sixteen years of age accounted for thirteen percent of all rape arrests, fifteen percent of all larceny arrests and forty-five percent of all auto theft arrests. Juvenile delinquency and subsequent criminal activity are not only a trait of school dropouts but also of many school students.

Teaching professionals, paraprofessionals, technicians, and auxiliary personnel play an important role in youth development. However, the emphasis teachers place on students to achieve and compete may contribute to frustration and despair, factors which may lead to crime and violence.

Individuals are preparing to enter the teaching profession at a faster rate than needed. It should also be noted that schools located in the poorer sections of a community tend to be staffed by teachers with less experience than those working in middle-class neighborhood schools. Some teachers assigned to schools in lower socio-economic neighborhoods may begin with negative attitudes toward students. These attitudes can act as a self-fulfilling prophecy; when teachers expect little, the students fulfill expectations by achieving little.

Inadequate teacher training and lack of field service shows up in poor performance in coping with student problems. Moreover, school districts do not demand that teachers be prepared and certified according to each district's special needs and requirements. Finally, the practice of granting tenure often protects less qualified teachers.

The educational system must meet the needs of all its youth by providing an education for personal enrichment, career guidance, and career preparation, whatever the pupil's occupational inclination. Of the many factors that characterize needs of all pupils, potential dropout or not, three are predominant:

- The need to be liked, respected, and made to feel worthwhile by responsible adults.
- The need to have a realistic sense of achievement.
- The need to experience feelings of success and self-worth in school activities.

Needs fulfillment is a prerequisite to crime prevention.

Georgia educational legislation which may be crime preventive is contained in the Minimum Foundation Program of Education Act (MFPE) and the Adequate Program for Education in Georgia Act (APEG). These crime preventive programs might include the following conceptual areas as set out in the National Advisory Commission on Criminal Justice Standards and Goals *Community Crime Prevention Manual:*

- Career Education;
- The Home as a Learning Environment;
- The School as a Model of Justice;
- Literacy;
- Improving Language Skills;
- Supportive Services;
- Use of School Facilities for Community Programs;
- Law-Focused Education Programs.

Georgia has addressed these areas, except for the improvement of language skills, through the Adequate Program for Education in Georgia Act. The Act, which took effect July, 1975, contains thirty-five broadly-based conceptual recommendations. Some are designed to be readily implemented while others will be delayed due to lack of funding. The primary difficulty with APEG, in addition to the length of time required for implementation of programs, is lack of effort to relate program impact to crime reduction.

Competency/performance-based education, in the context of higher education, is the minimum knowledge, skills, values and/or attitudes a person can be certified to possess based on a set of criteria or level of expectation.

Competency performance-based education for teachers has been an issue in Georgia since the late 1960's. Institutions of higher education, the Georgia Teacher Education Council, professional organizations, and the Georgia Department of Education have all contributed to the development of competency/performance-based education.

In 1972, the State Department of Education cited a goal which stated educational personnel should be certified on the basis of demonstrated competence. A section on competency was added to the area of certification and classification in the Adequate Program for Education in Georgia Act. During 1974 the Department of Education funded six projects dealing with identification, certification, and validation of competence for teachers, principals, counselors, vocational education teachers, and student teacher supervisors. In addition to continuing these activities, two additional projects for student teachers and supportive services for beginning teachers were funded in 1975.

RECOMMENDED STANDARDS

The Adequate Program for Education should be implemented in Georgia. Career education and counseling in all school systems within the state should be legislatively mandated.

The State Department of Education, by the end of 1976, should survey the state's school systems to determine educational needs for their affected populations relative to concepts presented in the research. Once this survey is completed, the State Board of Education, by 1977, with assistance of the Georgia State Crime Commission, should identify three Cooperative Educational Service Areas (CESA) which meet identified criteria for implementation of a pilot project in each one. The criteria, as specified by both agencies, should include such factors as ethnic mix, increase in crime rate, population rates, and any other factors applicable for research (i.e., suburban, urban, and rural).

The State Department of Education and the State Crime Commission should meet with representatives of identified CESA's to discuss possible implementation of education programs thought to be crime preventive and request their cooperation and assistance as an implementation agency.

If the CESA's approve, the State Department of Education, with assistance from the State Crime Commission and the CESA's, would develop a master plan for each project area. This plan should include an implementation procedure for adopting identified education programs, the total budget needed for projects, and methodology for the monitoring and evaluation of projects.

After completion of a master plan, it should be submitted jointly to the Law Enforcement Assistance Administration (LEAA) and the U. S. Department of Health, Education, and Welfare (HEW) for their approval and funding. The projects would then be implemented in the CESA's and monitored and evaluated annually. Evaluation of programs should include, but not be limited to:

- Determination of the extent that educational needs of the CESA's are being met;
- Measurement of amount or degree of reduction of criminal activity in each CESA attributable to the educational programs;
- A determination of additional benefits derived from these projects (i.e., amount of parental participation in the school, support of school bond issues).

The master plan should also include but not be limited to the following procedures for improving teacher training, certification, and accountability:

- The commitment of both the CESA's and local teacher training institutions to basing their education programs of preparation on specified competencies in the standards and goals concept areas;
- Inservice training programs for districts in each CESA in subjects related to or in the standards and goals concept areas;
- Increased responsibility on the part of the three CESA's and their districts to specify additional criteria and certification measures for individuals finishing teacher training institutions, thereby providing teachers prepared especially for that district.

Evaluation of the teacher component of the crime prevention-education program should include, but not be limited to:

- Determination of student achievement as it relates to teacher classroom behavior;
- Assessment of teacher-student interaction and impact, if any, on criminal behavior of students;
- Determination of what teacher competencies produce desired student outcomes; and
- Identification of any additional benefits derived from implementation of this component.

If the completed program has a positive effect on students' learning environment, teacher improvement, and/or the reduction of crime, the State Board of Education should plan for statewide implementation of crime preventive-education programs.

DRUG ABUSE TREATMENT AND EDUCATION PHASE I

FINDINGS

Adequate evaluation has not been done to determine the degree of success of any of Georgia's drug treatment or education programs. There is no common definition of "drug addict" or "drug abuse," no agreement on the number of persons affected and, with the exception of alcohol, there are no definitive studies showing the relationship between drug use and crime. The use of drugs among youth is on the rise and present drug education methods appear to be ineffective.

There are no accurate estimates of the number of drug users and abusers in the United States and Georgia. Estimates for Georgia range from 5,000 to 50,000 depending on the definition of various terms. Also, there are no studies presently available which can establish a definite causal relationship between the use of drugs and criminal activity. Some statements by public officials concerning the alleged relationship have caused fear and a tendency to overly blame criminal activity on drug abuse.

The Drug Abuse Services Section of the State Department of Human Resources utilizes a comprehensive treatment approach for assisting drug-dependent individuals. This approach includes the following:

- Central intake and diagnostic services for individuals referred from the criminal justice system and other sources;
- Compulsory treatment for those individuals from the criminal justice system who need guidance in dealing with their drug problem;
- Crisis intervention and emergency treatment provided by state or local agencies;
- Other treatment methods offered by the Drug Abuse Services Section include methadone maintenance, therapeutic communities and drug-free day care.

Since 1971, when the Georgia Narcotic Treatment Program was established, little evaluation has been done to determine the degree of success of Georgia's treatment programs. Such evaluation, done on a thorough, extensive basis, would be the only method of guiding the future direction of these programs. At present we do not know the following:

- The abstinence rate of those individuals completing treatment programs;
- The rate of client recidivism;
- The tracking of individuals either dropping from or completing treatment programs;
- Whether there can be a reduction of crime based on treatment; and
- Whether the treatment programs are meeting all their goals and objectives. It should be noted that lack of evaluation is prevalent for most of these programs throughout the nation.

The Georgia Department of Education requires that every student in grades five through twelve must receive annual instruction concerning the danger of drugs, including alcohol. Ten hours of instruction per year are given to every student; however, local schools must determine the content, subject matter and specific guidelines for drug instruction. In some metropolitan areas the education is intense, but some rural systems do not recognize drug problems and their programs reflect this attitude. Past and present efforts in drug education have concentrated on the traditional practice of providing pharmacological information, disseminating information or pamphlets, and presenting talks by ex-addicts on the effects of drugs. These practices are still being followed in Georgia schools and have not been proved to be effective.

RECOMMENDED STANDARDS

Evaluation and monitoring of all drug abuse treatment programs should be mandated to determine and ensure each program's effectiveness and safety. This evaluation would permit client follow-up and tracking to determine the success of treatment. Research capabilities throughout the state should be utilized to identify new treatment methods and to improve presently ineffective methods.

It is further recommended that a comprehensive drug education program be developed by the Drug Abuse Services Section of the Department of Human Resources and implemented in the state's public school systems. The Drug Abuse Services Section also should develop a drug education plan for organizations other than public school systems, and should prepare an annual drug treatment plan for the state which would include quantified goals and objectives for the reduction of illicit drug use. Also, present drug treatment facilities should be expanded to include treatment for all drug clients.

Comprehensive evaluation of all established goals and objectives should be identified and described in the state plan. Evaluation of all components of the drug abuse treatment programs and operations should be completed within a two-year period.

The Drug Abuse Services Section should be given the authority to plan, coordinate, monitor and license all drug abuse education programs including those in the public school systems. Additionally, a policy directive should

re-emphasize the responsibility of the State Board of Education to plan, coordinate and monitor all public school drug education programs.

ALCOHOL ABUSE TREATMENT PHASE I

FINDINGS

According to the FBI, 56 percent of all reported arrests in this country in 1972 were for alcohol-related offenses such as drunkenness, liquor law violations and drunk driving, or for other offenses involving alcohol. Unlike other drugs, the abuse of alcohol in all documented instances has a significant correlation with crime.

The effectiveness of current alcohol treatment programs, however, has not been determined because of insufficient evaluation criteria and procedures.

There are approximately nine million alcoholics in this country, 150,000 of whom reside in Georgia. The majority of alcoholics are not the skid row variety, but are found at every level of society.

The most frequently cited study of the relationship between alcohol and violence indicated that alcohol was present in 64 percent of all criminal homicide cases which occurred during the year of the study. The study further showed that when alcohol was present, it was used by both the offender and the victim. Other crimes which bear a significant relationship to alcohol abuse are aggravated assaults, sexual offenses and, to a lesser extent, robberies.

The Alcohol Services Section of the State Department of Human Resources is charged with administering alcoholism programs in Georgia. In 1972, the Division of Mental Health implemented an "open door" policy for detoxification, emergency treatment and rehabilitation in order to develop statewide services for alcoholics. This required that all state hospitals be open seven days a week, 24-hours a day. Presenting oneself at any facility was sufficient criterion for admission.

At present, there are 34 community-based alcoholism treatment programs in Georgia. Of these, 13 are located in mental health centers and 21 are alcoholism treatment programs in state or county centers. There are also eight regional mental health hospitals, six operational and two under construction, that are sixty-bed facilities for long-term in-patient treatment where out-patient facilities cannot treat a person successfully. Every county in the state is now covered by a mental health service area.

There are also six halfway houses, or rehabilitation residences, in Georgia for those individuals needing support while re-entering society.

The Georgia Alcoholism Act of 1974, which became effective July 1, 1975, decriminalizes public drunkenness, and assists in removing the drunk and alcoholic from the criminal justice system. At present, there are not enough facilities to treat the individuals who will be affected by this Act.

RECOMMENDED STANDARDS

The Department of Human Resources should develop and maintain a comprehensive system of alcoholic treatment centers. This could be done effectively by combining the organizations and resources of the Alcohol Services Section and the Drug Abuse Services Section within the State Division of Mental Health.

In addition, it is recommended that:

- The newly created section prepare a multi-year drug treatment plan for the state which would include quantified goals and objectives for the reduction of alcohol abuse.
- Alcohol treatment centers be established in each mental health service area to effectively treat all alcoholic patients.
- The new section be responsible for the coordination of all alcohol treatment programs in the state with the affected segments of the criminal justice system.
- The new section be responsible for the comprehensive evaluation of all programs.

Implementation of these recommendations should be accomplished through policy directive of the Board of Human Resources.

GOVERNMENTAL RESOURCE ALLOCATION AND COMMUNITY RELATIONS PHASE II

FINDINGS

Adequate data does not exist to support the hypothesis that inadequate and/or inequitable distribution of governmental resources and alienation between government and citizens produce criminal behavior. Yet there seems to be a relationship between good services and government responsiveness and good community behavior. Substantial evidence is available to indicate that when governments have been blatantly unresponsive to their constituents' needs, citizens have tried to fulfill these needs through other means, including unlawful activities. The National Advisory Commission on Criminal Justice Standards and Goals (NAC) indicated an individual may be more likely to resort to violent behavior when he is alienated, when he perceives himself as a member of a group that has less access than other groups to valued resources, and when he experiences a substantial increase in expectations for

services and community participation which are not subsequently met. Government's responsiveness must focus on activities that will assist citizens in viewing government in a positive rather than a negative light.

Most citizens believe they have limited access to their elected governmental leaders. A lack of confidence is prevalent, but it varies in seriousness from community to community. Many municipal administrators think they are doing everything possible to respond to citizen needs and to distribute services but disregard for lower income neighborhood needs are common complaints. Positive attitudes on the part of citizens are needed along with innovative practices by governments in community relations and service allocation activities.

Crime, corruption, and delinquency are less apt to appear in communities where people are close to their government. Even in large communities it is possible to have government close to its people.

RECOMMENDED STANDARDS

The Governor should create a committee on government/community relations and equity in local government services composed of representatives of the State Crime Commission, the Office of Planning and Budget, the Bureau of Community Development, and citizens to work with appropriate committees of the General Assembly on a two year program that would result in:

- Formulas for the improvement of the overall quality of life in local governments and their communities;
- Descriptions of good and bad communications among governments and their citizens;
- Procedures and practices that show promise in improving both communications between a community and its government and the distribution of resources in communities;
- Designing training programs for municipal officials in improved communications with citizens and methods of resource distribution.

EQUITABLE DECISION-MAKING IN LAND USE PHASE II

FINDINGS

Although evidence indicates a link between decaying neighborhoods and higher crime rates, Georgia has not adopted legislation mandating local land use planning and providing for orderly growth and development.

The power of zoning and enforcement of subdivision regulations are the two most common police power tools used by local governments in controlling land uses and land development. The 1957 Planning Enabling Act provides Georgia's cities and counties the power to form local planning and zoning commissions. The act details the purposes of zoning which are to promote the safety, health, morals, convenience, order and general welfare of the community by controlling bulk, height, density, and uses of buildings, among other things. A feature of the law generally disregarded by most local governments, is the requirement that controls be based on a comprehensive plan which comprises an adopted and agreed upon policy for future development of a community, county, or city.

A comprehensive plan should be a guide for decisions on land development, zoning ordinance changes and the granting of special use permits. Zoning can protect, destroy or create land values and poor zoning practices produce deterioration leading to environment conditions favorable to crime and delinquency.

A Houston, Texas study found that high juvenile delinquency rates occurred most frequently in census tracts where more than sixty percent of the occupied dwelling units were in need of major repair or had no private bathrooms.

The Atlanta Charter Study Commission (1971) found that zoning, of all city operations, is the one greatest single area of dissatisfaction and complaint. Likewise, a 1975 Fulton County Grand Jury pointed out that commercial and industrial establishments tend to engulf residential areas as the city grows. They concluded, "The result, many times, is increased crime and the deterioration of the once stable residential communities."

In 1973, two planning bills were introduced in the House of Representatives. Under these bills local jurisdictions would be required to adopt comprehensive land use plans and to utilize these plans to guide development activities such as zoning, subdivision regulation, capital improvement programming, street mapping, and issuance of building permits. Also included were safeguards against conflicts of interest, procedures for public notices, public hearings, and appeals.

RECOMMENDED STANDARDS

A comprehensive community planning program for Georgia's communities should be mandated and implemented as soon as practicable. Legislation similar to that introduced in the Georgia House of Representatives in 1973, should be introduced in the General Assembly.

The Governor should create a study committee on land use and development composed of representatives of the Department of Natural Resources, the Office of Planning and Budget, and the Bureau of Community Affairs to work with appropriate legislative committees on a two year program that would result in:

- Mandated local planning.

- Establishment of safeguards against conflicts of interest.
- Protection of vital areas and major water and land resources of the state.
- Training programs for planning and zoning officials.
- Community housing improvement.
- Methods of timing urban development to insure ability of communities to provide services without undue strain on resources.
- Improvement of community aesthetics and design.
- General improvement in quality of life and reduction in crime and corruption.

CAMPAIGN FINANCING PHASE I, II

FINDINGS

While the Georgia Campaign Financing and Disclosure Act requires candidates for state and local office to report campaign contributions to the state the final documents are frequently confusing and meaningless because of a lack of detail and uniformity.

The Georgia Campaign Financing and Disclosure Act of 1974 was amended by the General Assembly in 1975 and requires all candidates for state, county and local executive, legislative and judicial elective offices to file periodic reports showing campaign contributions and expenditures. The reports are filed with the Secretary of State who, in cooperation with the State Campaign Ethics Commission, is responsible for reviewing them and making them available to the public. However, both offices are located in Atlanta which makes the reports difficult or impossible for some segments of the public to examine. The only contributions which must be reported are those over $101 or those from a common source which in the aggregate exceed $101. It is also possible for an individual to make many separate contributions to a candidate since the full names, initials, nicknames or business names may be listed. Likewise, the address may be a residence, post office box or business.

The amount of money that may be received or spent by some candidates is limited by the law. However, since total expenditures or contributions are not reported, this portion of the law cannot be enforced.

RECOMMENDATION

Legislation should be passed authorizing the State Ethics Commission to require more complete and detailed reports on the identity of large contributors and the purpose of expenditures.

Financial disclosure reports should include:

- Totals and subtotals of all contributions and expenditures.
- Separate and total contributions from a single source and cumulative totals for the year.
- Alphabetized lists of contributors and persons to whom expenditures have been made.
- Full name, residence and address of each contributor listed and each person to whom an expenditure is made.
- Occupation and principal place of employment of contributors giving in excess of $500 cumulatively.
- The purpose of all expenditures listed.
- Separate and total expenditures to the same person or business and cumulative totals for the year.

Reports should be filed simultaneously with the Secretary of State and with the clerk of the probate court (or the municipal clerk for municipal elections).

The appropriate clerk (probate court or municipal clerk) should be responsible for receiving and reviewing the reports of all candidates for elective office of that county or municipality. The Ethics Commission should retain all responsibility and authority to examine reports and note deficiencies.

The Ethics Commission should design all reporting forms and provide them to the counties and municipalities. The Commission should also write procedures for performing reviews of the reports.

The Ethics Commission should recommend legislation to the General Assembly that would require personal financial disclosure of candidates and elected officials. The Commission's recommendation should include the required statement contents, filing deadlines and penalties for failure to file.

The Ethics Commission should also recommend a Code of Ethics for government officials and employees with applicable enforcement provisions.

YOUTH SERVICES BUREAUS PHASE I

FINDINGS

The 1972 Uniform Crime Report, prepared by the Federal Bureau of Investigation, shows that on a national basis over fifty percent of all property offense arrests involve persons under eighteen years of age. The report also shows that persons under the age of eighteen referred to juvenile courts constitute about one-fourth of all persons charged with forcible rape, half of all persons charged with burglary and

larceny and more than half of all persons charged with auto theft.

In Georgia, the records of the Department of Human Resources reveal that in calendar year 1972, 34,522 cases were handled in the state's juvenile courts, a fifteen percent increase over the previous year. In calendar year 1973, the number of cases disposed of by juvenile courts was 50,394, or a 32 percent increase over 1972. Commitments of youth to state institutions have increased at an average rate of ten percent each year for the last five years.

A youth service bureau is a community center with a professional staff capable of determining problems and needs of juveniles and providing counseling and other services as an alternative to incarceration.

California was the first state in the nation to establish and fund youth services bureaus. California's bureaus are established under the Youth Services Bureaus Act introduced in the California Legislature in 1968. Special funding over a three-year period permitted the Youth Authority's Division of Research and Development to evaluate the effectiveness of these state bureaus. The results of California's evaluation show that for the areas served, juvenile arrests were substantially reduced. Also, the number of juvenile arrests referred to probation intake decreased between twenty and forty percent in four of the five bureau service areas where data were available.

Georgia currently has a total of five youth services bureaus operating in four cities. Each of Georgia's youth services bureaus is designed to serve an average of 240 youths per year at an annual cost that ranges between $50,000 and $70,000. The paid staff of each bureau consists of a director, an assistant director, a secretary and two to four counselors and outreach persons. The paid staff activity is supplemented by volunteer services in tutoring and other special bureau activities.

RECOMMENDED STANDARDS

Georgia should strengthen its youth services bureaus through the establishment of a state supported pilot program.

The State Crime Commission should develop new criteria for funding youth services bureaus in Georgia. These criteria should incorporate both the successful features of the California experience and the applicable National Advisory Commission Standards. The new criteria should then be included in the state's 1976 Annual Action Program which is submitted to the Law Enforcement Assistance Administration (LEAA) for block grant funding.

Upon approval by LEAA the youth services bureau projects should be funded by the State Crime Commission as a three-year pilot program. One of the features of each pilot project should be an evaluation at the end of the three-year pilot period. The current youth services bureau program would, in effect, serve as the state's pilot program using the available federal funds. If the evaluation demonstrates the success of the pilot program, the state should fund the continuation and expansion of the youth services bureau concept.

RELIGIOUS INVOLVEMENT IN CRIME PREVENTION PHASE II

While the control of crime is a problem for the police and the criminal justice system, the causes and effects of crime are, in many cases, social and moral problems which other segments of the community including the religious community can cope with more effectively. The religious community and organized churches represent a valuable resource in manpower, buildings, recreational and educational expertise which could be valuable assets in the formulation of effective crime prevention programs.

There are 322,000 churches in the United States with membership of more than 128 million people. Church leaders can involve many of the members in the formulation and implementation of programs directed at community problems. In addition to vast numbers of people and leadership potential in a community, the church has other valuable resources. Buildings are usually centrally located and trained personnel who have the ability to recognize people's needs and assist in problem solving are employed. The church also has facilities for education and recreational activities.

The religious community has always attempted to elevate man's moral conduct. However, its primary thrust has always focused upon man's sins and his salvation rather than upon correcting modern social ills which might tend to cause crime.

Churches are becoming more consciencious of their potential to effect meaningful social change and are more active in community programs. In Georgia, the Christian Council of Metropolitan Atlanta urges churches to search for solutions to crime problems within their congregations. The Council conducts programs that deal with the root causes of crime. The programs also deal with fear and distrust among citizens across economic, social, religious and racial lines creating an atmosphre of a community committed to preserving rather than destroying life. The Council's four main programs provide:

- Emergency assistance to alleviate the plight of the hungry and poverty-stricken through the emergency help center;

- Community action with established task forces to address crucial social problems including crime;
- Communication and fellowship which creates a greater sense of community through the church and other organizations;
- Evangelism which helps churches realize and use their power to influence community stability.

RECOMMENDED STANDARDS

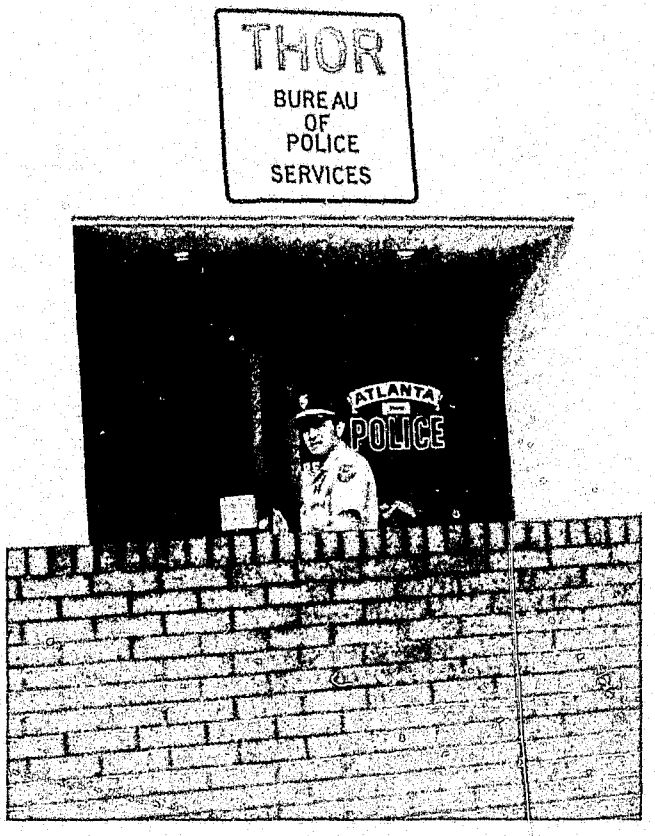
Religious organizations should encourage members to become involved in programs designed to improve community conditions and better the standard of living of its citizens, thereby helping to reduce criminal activity.

Religious groups should organize such projects, with advice and assistance of the criminal justice community.

Interdenominational groups should maintain contact with criminal justice agencies and community projects sponsored by individual religious organizations in order to assist in coordinating the activities.

Decrease the Opportunity/Reward for Committing a Crime

GOAL: INCREASE STATE AND LOCAL CRIME PREVENTION ACTIVITIES THAT WILL IDENTIFY AND REDUCE OPPORTUNITIES FOR CRIMINAL ACTS AND REWARDS THAT RESULT FROM THESE ACTS BY IMPLEMENTING PROGRAMS TO INFORM, EDUCATE AND INITIATE PREVENTIVE ACTION BY CITIZENS.



SUMMARY OF RECOMMENDATIONS

- The state should re-emphasize and intensify the present crime prevention program, amend the state's building code to include minimum security standards and encourage insurance companies to reduce theft insurance premiums when commercial and residential structures comply with security standards. *PHASE I*

- The Georgia Bureau of Investigation with assistance from the Georgia Retail Merchant's Association, should plan and implement a statewide anti-shoplifting program. *PHASE II*

- The Georgia Bureau of Investigation, with assistance from the National Automobile Theft Bureau, the Insurance Information Institute, the Georgia Highway Patrol, the Georgia Sheriff's Association, and the Georgia Association of Chiefs of Police, should plan and implement a statewide motor vehicle theft prevention program. *PHASE II*

CRIMINAL OPPORTUNITY REDUCTION PHASE I

FINDINGS

In the United States, violent crimes have increased 67 percent and property crimes have increased 53 percent since 1967, according to the 1972 *Uniform Crime Report.* As crime rates continue to rise, the criminal justice system has maintained its traditional approach of utilizing punitive and corrective measures. This approach, which is founded on the principle of working with individuals only after they have entered the system, is expensive and has a low rate of success.

During the years 1968-1972, reported crimes in Georgia increased by 89 percent. This increase included not only property crimes but also homicide, forcible rape, aggravated assault and robbery. If crime in Georgia were to increase in the next five years at the same rate as it did in the five-year period from 1967 to 1972, the number of serious crimes would almost double.

Crime prevention has been defined by the National Crime Prevention Institute as "... the anticipation, the recognition, and the appraisal of a crime risk and the initiation of some action to remove or reduce it."

One of the largest single crime prevention efforts in the nation is currently being implemented in the City of Atlanta with an LEAA Impact project entitled Target Hardening Opportunity Reduction (THOR). THOR is implementing programs that actively apply the definition of crime prevention adopted by the National Crime Prevention Institute and is primarily focused upon the crimes of burglary, rape and robbery. During the 24-month project, THOR proposes to reduce burglary by nineteen percent and commercial and residential robbery by eight percent.

Building code ordinances in some parts of the nation have been revised to include security standards which will reduce criminal opportunities. Such legislation can help address opportunity reduction and is felt to be successful in preventing crime.

The criminal opportunity reduction programs implemented in various parts of the nation that have proven successful are those which involve property identification, premise security surveys, street lighting, neighborhood watches and building design improvements.

RECOMMENDED STANDARDS

The state should re-emphasize and intensify the present crime prevention program of the Georgia Bureau of Investigation and provide crime prevention training through the Georgia Police Academy.

The Georgia Bureau of Investigation should give high priority to training agents as crime prevention specialists at the National Crime Prevention Institute, placing an agent in each of its regional offices. In addition, it should re-establish and implement a state-wide crime prevention public information campaign.

The Georgia Police Academy should establish a one-week crime prevention training course to be taught quarterly for local law enforcement personnel, and provide a minimum of 24 hours of crime prevention instruction in mandate training classes.

The current legislation which establishes minimum standard building codes should be amended to include minimum standards and procedures to reduce the opportunity for criminal activity on private premises. Local units of government should be encouraged to adopt a similar or more stringent security code for inclusion in their current building codes.

The State Comptroller General should formally encourage insurance companies to reduce theft insurance premiums for commercial and residential structures complying with minimum security standards.

INVENTORY SHRINKAGE PHASE II

FINDINGS

Shoplifting and employee theft are the major sources of crime-related losses in retail, wholesale, and manufacturing businesses. Approximately four million shoplifters are arrested in the United States each year. It is estimated that only one out of every 35 shoplifters is caught, which suggests 140 million instances of shoplifting occur each year. Observers believe that employee thefts account for substantially more loss than shoplifting. Estimates are that shoplifting accounts for only 25 percent of retail inventory losses, while employee thefts account for the rest. Between eight and ten percent of the employees in business comprise the hard-core thieves while other employees steal only on occasion. Retailers usually concentrate their anti-theft efforts on shoplifters despite these estimates on employee theft.

Retail merchants throughout Georgia are currently assisting with programs to prevent shoplifting. Law enforcement agencies in Athens, Columbus, Rome, Atlanta, and Valdosta, as well as many smaller municipalities, are

working with their local Chamber of Commerce to decrease the amount of shoplifting in local stores. Programs such as lectures and presentations to schools and businesses are the primary methods utilized by law enforcement agencies.

The Georgia Retail Merchants' Association is compiling information on shoplifting losses and prevention programs throughout the state in order to initiate a statewide anti-shoplifting campaign by 1977. Due to insufficient funds, the program is expected to be implemented in Atlanta for the first year.

The Atlanta Police Department's THOR project has been assisting Atlanta merchants in securing their merchandise in order to reduce the amount of shoplifting and employee theft. Brochures, presentations by THOR personnel to groups, and security surveys are all part of the THOR program. However, no statistics are available on the amount of employee theft and shoplifting and the impact of prevention programs on reducing the theft problem.

Under Georgia law, if there are reasonable grounds to believe that a shoplifting has occurred, the retailer may take the merchandise and hold the alleged offender for arrest by law enforcement officers. The retailer may also hold the alleged shoplifter for a reasonable amount of time in order to check the ownership of the merchandise.

Spearheaded by the Nevada Retail Association's belief that shoplifting is a problem, a strong anti-shoplifting law was passed by the 1973 Nevada legislature. It gives the retailer the right to recover his losses and to collect fines and in addition to existing criminal penalties, provides a civil penalty of not less than $100 nor more than $250 payable to the merchant in addition to the value of the item taken, court costs and attorney fees. If the shoplifter is under eighteen, the parents or legal guardian can be held liable for these amounts. The program was declared a success by Nevada merchants.

RECOMMENDED STANDARDS

The Georgia Retail Merchant's Association, the State Crime Commission, the Georgia Sheriff's Association, the Association of Chiefs of Police, and the Georgia Bureau of Investigation (GBI) should review and endorse the recommendation presented by the National Advisory Commission (NAC) and the State Crime Commission's Standards and Goals Study for programs of effective inventory shrinkage prevention. Following such endorsement, the Georgia Bureau of Investigation, should plan and implement a statewide anti-shoplifting program to include education programs for the public, merchants, and law enforcement personnel; a statewide media impact campaign; and a data collection and evaluation program to further establish the magnitude of the inventory shrinkage problem in Georgia and to evaluate the success and effect of the statewide program.

MOTOR VEHICLE THEFT PREVENTION PHASE II

FINDINGS

Motor vehicle theft has been a law enforcement problem for a long time. During the past quarter century (1949-74) the volume of motor vehicle theft has increased in the United States by 493 percent. In a study conducted by the International Association of Chiefs of Police in the United States and Canada, a profile of the motor vehicle theft problem was compiled:

- It is largely an urban problem;
- Nearly 85 percent of the reported stolen vehicles were passenger cars while eight percent were motorcycles;
- Over half of the vehicles were stolen from private residences between the hours of 6 p.m. and 6 a.m.

The key was left in the vehicle in about 14 percent of the incidents. Fifty-four percent of the persons arrested were under 18 years of age and a majority of the arrestees had no prior arrest history.

Among the major contributing factors to the theft problem is the absence or weakness of motor vehicle laws in some of the states and a tendency on the part of many theft victims, police agents, and insurance companies to furnish an incorrect vehicle identification number subsequent to the theft. Another police agency will often locate the vehicle and make an inquiry under the correct number which they obtained from the vehicle but could not find the theft report due to the discrepancies in the vehicle number.

As of 1973, Georgia had approximately 2.5 million automobiles and 90,000 motorcycles registered in the state. A total of 17,153 cases of automobile theft occurred in the state which was an increase of 19 percent from 1972 and 35 percent from 1969. As of August, 1975, there were 26,387 automobiles registered as stolen according to the Georgia Bureau of Investigation files, with 715 cases cleared. The total number of motorcycles stolen in the state is not known at this time, but the number and severity of thefts is acknowledged to be a serious one.

In April, 1975, the Interagency Committee on Auto Theft Prevention was created by the President. Composed of representatives of the U. S. Departments of Justice and Transportation, this group will be working to create a national program to reduce the number of automobile thefts in the United States by 50 percent within five years and will try to get both private industry and local governments involved in the program. Among the plans are: inexpensive technological services to improve door and ignition locks, a nationwide push to toughen registration laws, and a complete title system connecting all fifty states.

Some of the states are employing a "reward" or "incentive" program in order to stimulate more interest among law enforcement officers in the vehicle theft problem. The State of Ohio has an excellent program referred to as the "Blue Max". It is a three-pronged effort with special emphasis being placed on the patrolman on the road. The objective is to get all highway patrol officers "more involved" in the theft problem, increase officer alertness, and provide added information to help detect stolen vehicles.

The Major Crimes Unit of the Georgia Bureau of Investigation has the responsibility for investigating major crimes in the state, including automobile theft rings. Local law enforcement agencies are responsible for handling thefts in their areas and may call upon the Georgia Bureau of Investigation for assistance.

The Southern Division of the National Automobile Theft Bureau, located in Atlanta, has offered extensive assistance in providing materials and personnel to law enforcement officials in the investigation and identification of stolen motor vehicles.

The City of Atlanta currently has a model project entitled Target Hardening through Opportunity Reduction (THOR) which has as one of its goals the reduction of automobile theft. Brochures are available to the public on motor vehicle theft prevention. The THOR program personnel made 1,403 presentations to business and civic groups since 1974. However, no statistics are available on the impact of these presentations on the motor vehicle theft problem in Atlanta.

RECOMMENDED STANDARDS

The Georgia State Crime Commission and the Georgia Bureau of Investigation should review, endorse, and implement selected recommendations presented by the National Advisory Commission on Criminal Justice Standards and Goals (NAC) for programs of effective motor vehicle theft prevention. Following such endorsement the Georgia Bureau of Investigation's Crime Prevention Unit, with the assistance of the National Automobile Theft Bureau (NATB), the Insurance Information Institute, the Georgia Highway Patrol, the Georgia Sheriff's Association, and the Georgia Association of Chiefs of Police should plan and implement a statewide motor vehicle theft prevention program to include education programs for the public, motor vehicle dealers, and law enforcement personnel; a statewide media impact campaign; and a data collection and evaluation program to further establish the magnitude of the motor vehicle theft problem and program success in Georgia.

Increase Crime Risks/Improve Community Services

GOAL: LAW ENFORCEMENT AGENCIES SHOULD INCREASE THE RISK OF COMMITTING A CRIME AND IMPROVE COMMUNITY SERVICES BY REDEFINING AND IMPROVING PERSONNEL FUNCTIONS AND ROLES AND BY EXPANDING AGENCY AUTHORITY TO DETECT CRIME.

SUMMARY OF RECOMMENDATIONS

- The Attorney General should be authorized to appoint a special prosecutor, to call a state investigative grand jury and to monitor all citizen complaints in order to effectively combat corruption and misconduct in government. *PHASE I*

- The authority of the Georgia Bureau of Investigation should be expanded to include statewide investigation of organized crime, narcotics, kidnapping and corruption and misconduct in government, and the execution of arrest warrants for cases it is investigating. *PHASE I*

- Local law enforcement agencies should continue to rely on the Georgia Bureau of Investigation and the State Crime Laboratory for specialized investigative services. Also, the GBI Outreach Program should be properly funded to provide local law enforcement agencies with needed investigative training. *PHASE I*

- Basic standards to institute 24 hour patrols, full-time communications, police response to calls within 20 minutes and improved personnel practices for all police operations in the state should be established. *PHASE I*

- The State Crime Commission should develop guidelines and provide technical assistance on patrol methods and procedures to local law enforcement agencies. Outstanding patrol officers should be recognized by the state. *PHASE II*

- Local governments and law enforcement agencies should establish formal guidelines on the role of police. Police officers should be authorized to write citations rather than making arrests in certain instances. *PHASE II*

- Police agencies with at least ten sworn personnel should employ civilians for positions which do not require the experience, training or authority of a sworn officer. *PHASE II*

- Local law enforcement agencies should establish a review process to assist in the administration and planning of functional specialization within a department. *PHASE II*

- The state should create and fund a position of court liaison officer in each judicial circuit to schedule police officers as witnesses, expedite cases from police agencies to prosecutors' offices and provide liaison between police and the courts. *PHASE I*

- Legislation should be introduced to allow courts of record to issue search warrants by telephone. *PHASE II*

- Budgets should be developed in accordance with established guidelines in all law enforcement agencies. A full-time fiscal officer should be responsible for budget development in agencies with more than 150 personnel. *PHASE II*

- Law Enforcement agencies should designate personnel responsible for property accounting, and should adopt procedures to classify, retain and dispose of property. *PHASE II*

- All items of uniforms and equipment should be prescribed and provided to officers by law enforcement agencies. Uniforms should be standardized for peace officers; private agencies should be restricted so that their uniforms are clearly identifiable. *PHASE II*

- The State Crime Commission should be responsible for developing a comprehensive vehicle management program for police agencies. This program should be developed with the assistance of the Department of Administrative Services and should contain guidelines for determining fleet needs and operational improvements. *PHASE I*

CORRUPTION AND MISCONDUCT IN GOVERNMENT PHASE I

FINDINGS

Most state and local units of government in Georgia are honest and forthright in their attempts to identify corrupt public officials. However, corruption cannot be effectively checked since the primary responsibility for investigating cases frequently lies with those very agencies which are charged with corruption.

The problem of misconduct in government is compounded by the ability of a corrupt official to cover up the evidence and impede investigations. Also, many local law enforcement and government agencies tend to view state-level investigation and prosecution of corruption cases as tools which could be used for blatantly political purposes.

There is a growing number of citizen complaints about government misconduct at the local level. Recently, several of these complaints were brought to the attention of the Governor, particularly those that relate to organized crime. Also, corruption is becoming a concern to many Georgians who are bringing their complaints directly to the Governor's Office.

RECOMMENDED STANDARDS

The State Attorney General should be provided with the following to combat corruption and misconduct by state and local government officials:

- Appointment of a special prosecutor – A special prosecutor could be appointed for investigation of specific cases as needs arise, or could be retained on a full-time basis. The prosecutor should coordinate his investigations with the Georgia Bureau of Investigation.
- The calling of a state grand jury – The state grand jury should be assembled through a process yet to be determined, but which will assure random selection of jurors. Such a body could be called periodically or could be established as a permanent investigative body at the discretion of the Attorney General.
- Reception of citizen complaints – In addition to directly receiving citizen complaints against corruption, the state should require all state and local government agencies to forward to the Attorney General copies of all citizen complaints of corruption or misconduct. This process would allow the Attorney General to determine areas in need of investigation.

Initially, the local or state governmental agency against whom the complaint is registered should be given an opportunity to resolve it internally. The state should require all such governmental agencies to develop and implement written policies and procedures for processing corruption and misconduct complaints. These should include the following provisions:

- A code of ethics addressing corruption and misconduct.
- A definition of the terms "corruption" and "misconduct" as they relate to police and public officials.
- The assurance to the public that all complaints will receive immediate attention and written response, and that copies of such complaints will be forwarded to the Office of the Attorney General.
- The drafting of a final report detailing the findings of the investigation, copies of which should be sent to both the Attorney General and the complainant.

AUTHORITY OF THE GEORGIA BUREAU OF INVESTIGATION PHASE I

FINDINGS

Currently, the Georgia Bureau of Investigation (GBI) has original authority only in cases involving state property, unusual cases which the Governor directly orders the GBI to investigate and cases in which a local community requests assistance from the GBI. Furthermore, the GBI has no arrest authority except for cases involving state property, even when the GBI has original investigative authority. These restrictions on the investigative and arrest authority of the GBI severely limit its effectiveness.

The statute which describes the authority of the GBI is somewhat confusing and severely limits that agency. However, an executive order issued in 1965 appears to broaden that authority. The executive order deems it " . . . necessary that members of the Georgia Bureau of Investigation be given authority to conduct investigations and make arrests in any county or municipality in the State." The order is currently utilized by the GBI.

Since criminal activity often crosses jurisdictional boundaries, law enforcement officials should be authorized to cross those boundaries to conduct investigations and make arrests. The primary advantage of cross-jurisdictional investigative authority is the ability to pursue significant criminal aspects in all regions of their operation when it is difficult or impossible to gather evidence in one jurisdiction. Cross-jurisdictional authority should be limited to that law enforcement agency which is large enough to handle statewide authority and which has the necessary expertise to conduct specialized investigations.

Cross-jurisdictional criminal activity is most frequent in cases involving certain types of crime. The authority of any law enforcement agency to have cross-jurisdictional investigation and arrest powers, therefore, should be limited to certain specific crimes.

RECOMMENDED STANDARDS

The GBI should be empowered by legislation to serve and execute warrants under any circumstances where it is legally involved in an investigation. To be legally involved in an investigation, the GBI should be invited in by local officials for general investigations. It should have full enforcement authority for violations in the following categories:

- Organized crime (any continuous criminal activity by two or more persons where such activity has as its purpose a financial profit);
- Narcotics;
- Kidnapping;
- Corruption and misconduct in government.

The Commission further recommends that GBI policy be established and enforced which would severely restrict its activities outside these categories.

SPECIALIZED INVESTIGATIVE SERVICES PHASE I

FINDINGS

Local police agencies in most instances cannot afford to provide a full range of specialized investigative services such as laboratory analysis, intelligence gathering and polygraph examinations. However, the availability of such services is critical to the successful investigation of some crimes.

Since many local law enforcement agencies have not been able to justify the need for full-time expertise in many special investigative services, the Georgia Bureau of Investigation (GBI) has developed highly trained units which are made available to such agencies. The State Crime Laboratory, a Division of the GBI, provides laboratory analyses, evidence investigation and post mortem examinations and autopsies for local law enforcement agencies on a request basis. The State Crime Laboratory has its main facility in Atlanta, with branches in Savannah and Columbus. Under its approved master plan, it will establish additional laboratories in Macon, Augusta, Tifton and Dalton to serve the state more effectively.

In addition, the GBI provides sworn personnel to local agencies:

- Through its regional offices and special investigative squads (auto theft, major case, intelligence and organized crime) to conduct sophisticated investigative services;
- Through the Georgia Crime Information Center Latent Finger Print Section to conduct crime scene searches and scientific evidence analysis;
- Through its Polygraph Unit to conduct criminal and pre-employment polygraph examinations; and
- Through its Crime Prevention Unit to design and conduct prevention programs.

Also, the GBI invites sworn officers of local agencies to attend the GBI pre-service and in-service training schools. These schools conduct sessions designed to teach and improve the special investigative skills of police officers. Requests from local agencies to place their officers in such programs currently exceed the capacity of training facilities and staff by 200 percent.

Recently, the GBI has proposed that its Outreach Program be aimed at providing sixty-four hours of training to 720 local law enforcement officers on the following subjects:

- Protecting crime scenes.
- Recording of crime scenes using notes, sketches and photographs.
- Locating, collecting, marking and tagging physical evidence.
- Inventorying, receipting for and safeguarding physical evidence.
- Utilizing the services of the State Crime Laboratory and preparing requests for laboratory examinations of physical evidence.
- Interviewing cooperative and reluctant complaintants, victims and witnesses.
- Advising suspects of their rights, obtaining valid waivers and conducting interviews and interrogations of suspects.
- Conducting problem interviews.
- Recording oral testimony.
- Utilizing GBI polygraph support services.
- Preparing affidavits to support issuance of search and arrest warrants.
- Making returns of search and arrest warrants.
- Preparing cases, including Georgia Crime Information Center reports.
- Participating in pre-trial conferences with prosecutors.
- Testifying in court.

This program is being developed based on a June, 1974, directive from the State Board of Public Safety that the GBI should immediately begin sharing its expertise with local law enforcement agencies through a training program presented in several locations throughout the state. The Peace Officers Standards and Training Council also has

approved the program and has requested that it be presented in certified law enforcement academies.

RECOMMENDED STANDARDS

The State should continue to provide special investigative services through the GBI. The Commission further recommends that the State Crime Laboratory continue to provide services through its regional crime lab except with the option of contracting with private laboratories where economically justified. In addition, the Commission recommends that the GBI Outreach Program be provided with the necessary funding to operate until such time as the program can be transferred to authorized training academies. Funds should be appropriate to insure that the above special investigative and crime lab services are made available to local law enforcement agencies. Also, the State Crime Commission should assign a high priority to funding the GBI Outreach Program over a period of several years.

STANDARDS FOR ADEQUATE POLICE SERVICE PHASE I

FINDINGS

While some law enforcement agencies are capable of meeting citizen demands, others are totally ineffective in providing basic law enforcement services. For example, only sixteen percent of the 517 law enforcement agencies in Georgia presently provide 24-hour police services. The Georgia State Patrol is among those agencies which do not provide 24-hour services.

In addition, many local law enforcement agencies do not have well defined operating procedures.

The National Advisory Commission on Criminal Justice Standards and Goals concluded that every police agency should provide police service and respond to police emergency situations 24 hours a day. The National Advisory Commission further concluded that if any police agency is unable to provide these services, they should be provided by an agreement with an agency capable of providing them.

Written policies and procedures for specific situations exist in many departments, while other departments require officers to react to situations on individual intuition or experience. This not only places the officer in jeopardy as a result of his response, but it also places the local government in the hazardous position of defending the officer if his actions are inappropriate.

The time required for police to respond to emergency situations is one indication of the adequacy of the police services. Satisfactory police response time facilitates improved crime scene protection, investigation, and apprehension of the suspects. In Georgia, response times range from twenty to thirty minutes in some areas to sixty to seventy-five minutes in other areas.

RECOMMENDED STANDARDS

Basic standards and objectives should be established for all police operations in the state. These standards and objectives should include the following:

- Patrol – Visible patrol should be instituted around the clock seven days a week for authorities governing over 5,000 population. Authorities governing less than 5,000 population should be encouraged to consider consolidation, contracting or pooling of resources in order to provide full-time police service. Further, the Georgia State Patrol should institute 24-hour patrol.
- Communications – Full-time communications with access to the state communications network should be provided.
- Organization – Each police organization should be structured under a single executive who has the responsibility for all police service.
- Systems – All police organizations should be required to report needed information to the Georgia Crime Information Center.
- Response – On a first response patrol basis, police agencies should be able to respond within 20 minutes. On second response investigative basis, they should be able to respond within 40 minutes.
- Investigation – Investigative services should be available on a backup basis when needed.
- Records – Police agencies should maintain records and reports to be used within a three-year period.
- Specialists – Police agencies should have access to and utilize, when feasible, state specialists in investigations, traffic and accident analysis, polygraph and crime laboratories.
- Recruitment – Police officers should be recruited for career work in law enforcement rather than for interim employment.
- Hiring – Standards for the hiring of police officers should be established and should be compatible with state standards.
- Promotions and Evaluations – Promotions, demotions, assignments, evaluations and hiring should be based on merit and work performance rather than on patronage or favortism.

THE PATROL FUNCTION
PHASE II

FINDINGS

Since the patrol function is the backbone of any police agency, existing patrol deficiencies and the lack of innovation within Georgia law enforcement agencies seriously limits their effectiveness. Because of conflicting expectations of police chief executives, local governmental officials, and the general public, the patrol officer frequently is burdened by numerous duties not directly related to crime prevention and detection, and he is uncertain about the limits of his authority.

One major deficiency in Georgia is the failure of most local law enforcement agencies to provide full-time police services (essentially defined as around the clock patrol and radio communications). Since 84 percent of Georgia's police agencies do not provide such service, some time of every day most Georgia police agencies leave citizens within their jurisdictions without a patrol crime deterrent or the means to rapidly respond to an emergency call. This is true of both cities and counties. Further, there is only limited experimentation in Georgia with projects which re-examine traditional patrol methods and no substantial results are available.

Some of the nation's police departments are attempting to better identify and enhance the role of the patrol officer. Among the numerous neighborhood team policing programs – which, basically, are attempts to decentralize and personalize police operations within specific neighborhoods – patrol officers are often allowed greater powers of investigation and discretion than in the traditional police operations. While these experiments encountered some resistance from mid-level management police supervisors, the programs indicate that police agencies are becoming aware of the dangers of overspecialization and the need for more reliance on the patrol officer. Some agencies have recognized the need and are providing pay and career incentives within the patrol ranks, to encourage competent, veteran officers to remain.

Experimental projects indicate that patrol assignments should be made on the basis of such factors as incidence and seriousness of crime, number of calls received, and type of neighborhood, rather than the traditional method of equally dividing the police patrol areas. Police agencies are also re-examining the specific functions of patrol officers to determine the crime-preventive effectiveness of such duties. In Detroit, Kansas City, and Los Angeles, for example, police officials terminated such peripheral police functions as towing vehicles and licensing dogs, and/or have utilized civilians for such duties as traffic control and enforcement. This allowed patrol officers to concentrate more effectively on crime-prevention priorities.

RECOMMENDED STANDARDS

In order to upgrade the quality of the patrol function in Georgia, the following five recommendations should be implemented:

- The state, through the State Crime Commission and the Area Planning and Development Commissions, should provide technical assistance on patrol methods and procedures to local law enforcement agencies.
- The State Crime Commission should develop comprehensive guidelines on all aspects of the patrol function, particularly the use of different types of patrol, the use of neighborhood team policing programs, the development of an adequate role concept for the patrol officer, and patrol beat distribution plans.
- The state, through the Governor's Office, should develop a program which recognizes outstanding patrol officers in local police agencies.
- Legislation should be enacted which requires all law enforcement agencies with primary police responsibilities in jurisdictions of 5,000 population or more to provide full-time police services.

THE POLICE ROLE
PHASE II

FINDINGS

The Georgia police officer, like his counterpart throughout the nation, is forced to do an already difficult job amidst confusing and often conflicting expectations from the general public, the courts, and his own department. The police officers' role perception -- a perception which will largely define the police role (or image) within a community – is often poorly developed, and certainly not conducive to effective law enforcement. This problem is further complicated by the absence of formal policies. Sixty percent of all Georgia local law enforcement agencies do not have written guidelines outlining the basic purpose of the agency, seventy-four percent fail to identify in writing the crime-related priorities of the agency and seventy-seven percent fail to adequately identify community social service agencies which may serve as referrals and/or alternatives to arrest.

The number of civilian complaints lodged against police officers is another indication that an ill-defined police role is a problem. The Internal Investigation Division of the Atlanta Bureau of Police Services reported that 493 citizen complaints against police behavior were received and investigated during the 1974 calendar year. Significantly, 126 of these complaints were sustained in whole or in part,

indicating that even by Departmental standards many officers exceed the conduct limits of the police role.

There is evidence, however, that some police departments are beginning to realize the importance of a clearly developed police role concept. The Dallas, Texas Police Department's Role Definition and Analysis Project is designed to analyze the police role as it relates to societal expectations and to develop methods of evaluating street level performance of officers as they attempt to fulfill the varying aspects of that role.

A police training program was recently developed in Ohio which assigned new recruits to short periods of service in 14 different social service agencies to provide them with an expanded understanding of areas in which the public often expects police officers to be experts. An additional benefit of the program was the discouragement of the "subculture socialization" process which so quickly infects new recruits.

A final problem area concerns the discretionary and/or diversionary authority of police officers. Current practice allows too few options to the police officer to facilitate effective use of discretionary authority. Some police departments' experiences show that officer orientation on social service and community agency functions provides a meaningful alternative to arrest and detention. Other police departments allow officers to write citations in lieu of arrest and detention in cases where justice and the criminal justice system are best served.

RECOMMENDED STANDARDS

All local governments and law enforcement agencies should:

- Regularly survey community public opinion to ascertain attitudes concerning law enforcement priorities and the police role;
- Develop written guidelines which communicate agency objectives to law enforcement personnel and the community;
- Eliminate all functions not deemed relevant to the police role and agency priorities;
- Establish a telephone referral service which would allow police officers and private citizens quick access to community social service agencies. At least one person, not necessarily within the police agency, should regularly advise the agency regarding legal decisions affecting the police role.

In addition, the following recommendations should be implemented by police agencies with 100 or more sworn personnel:

- A policy-making unit with at least one full-time person should be established to draft and update police policy consistent with agency and community law enforcement priorities.
- The agency should provide regular in-service training to ensure officer familiarity with the functions and significance of community social service agencies. Special training should be provided officers who regularly encounter minority groups.

Appropriate law enforcement associations should conduct a study to determine the extent and nature of political interference in the daily operations of law enforcement agencies, and make recommendations for appropriate corrective action.

Finally, legislation should be enacted authorizing police officers to write citations rather than making misdemeanor arrests, except for cases in which an arrest warrant has been secured.

USE OF CIVILIAN MANPOWER IN LAW ENFORCEMENT PHASE II

FINDINGS

The use of civilian, or non-sworn law enforcement personnel in local law enforcement agencies to fill support positions is not as great in Georgia as in other parts of the nation. A 1975 study of Georgia law enforcement agencies revealed 13.4 percent of the sworn officers in the state's seven largest cities are performing non-enforcement support functions which do not require the authority or expertise of sworn officers. None of the seven agencies has an active police reserve program.

While most governments traditionally provide citizens the right to become involved in the criminal justice process during an emergency, law enforcement agencies are beginning to use civilian volunteers regularly for the purpose of law enforcement. The use of civilians to fill support positions (e.g., radio dispatchers, planners, etc.) rather than filling those positions with sworn officers, reduces operating expenses since civilian salaries are usually lower. Another benefit is maximum manpower efficiency, since trained officers will not be wasting expertise in support positions.

Since 1950, the precentage of non-sworn personnel in police agencies across the nation nearly doubled, jumping from 7.5 percent in 1950 to 13.2 percent in 1972. The most significant change came in the use of reserve volunteers to perform law enforcement functions on a regular basis.

The Peace Officers Standards and Training Act requires all reserve police officers to complete the 240 hour mandated

training course required of all Georgia peace officers. The course formats within the various police academies are structured to allow individual officers to concentrate in a particular area of police work (e.g. traffic control, civil disorders, etc.), thus providing reservists with the opportunity for indepth training for specialized service.

RECOMMENDED STANDARDS

Every police agency with at least ten sworn personnel should:

- Hire civilians to fill positions which do not require the authority, experience and/or training of a sworn officer;
- Provide a career ladder and a program of fringe benefits for civilian support employees;
- Provide support civilians with adequate job training;
- Allow civilians lateral entry into support positions;
- Relax entry level requirements for civilians who are applying for positions for which department entry requirements are irrelevant;
- Initiate an all volunteer reserve program with officers required to serve at least sixteen hours per month.

SPECIAL OPERATIONS PHASE II

FINDINGS

In Georgia comprehensive planning for the use of specialized police operations is virtually non-existent. Most local law enforcement agencies do not maintain or use guidelines which detail specialized training requirements and criteria for filling specialist positions. Furthermore, a majority of local agencies fail to use any process or procedure to determine the need for and the nature of specialized operations in their jurisdiction. Periodic reviews or internal evaluations of existing specialized operations seldom occur.

These deficiencies are noteworthy since many local Georgia police agencies use specialized operations. A recent survey found that the vast majority of the state's large and medium-sized agencies maintain separate units for criminal investigation, and all of the large agencies (100 or more sworn personnel) have special units for handling juvenile operations.

Many of the nation's leading criminal justice experts and concerned organizations have recommended more efficient and effective administration of police specialized operations. The American Bar Association, for example, while recognizing the importance of the patrol officer, has called for development of expertise in selected areas which demand specialization.

Nationwide, specialization within police departments has become increasingly common during the past century. Several larger agencies recently implemented methods to eliminate much of the waste and ineffectiveness which have traditionally burdened specialized operations.

The Los Angeles Police Department, for example, uses specific criteria relevant to the creation and retention of special operations. Prior to specialization, extensive research is conducted to determine the nature and extent of the specific need. Other variables are considered, such as cost-effectiveness, productivity, organizational feasibility, command structure, and training needs.

The Chicago Police Department also devotes considerable effort to planning and evaluation of special operations. Project or speciality needs are determined by a variety of means including internal analysis and information reviewed from field units. Pre and post-activation studies are conducted by Chicago's Planning and Research Unit to identify, measure, and/or analyze variables pertaining to a specific special operation. The analysis is based on selected criteria.

RECOMMENDED STANDARDS

Local law enforcement agencies should establish a review process to assist in the administration and planning of functional specialization within a department. The review process should include:

- A comprehensive needs analysis;
- A review of related activities;
- An analysis of alternatives including their cost effectiveness, impact on departmental productivity and organizational feasibility;
- A determination of the most appropriate alternative;
- A determination of quantitative and qualitative project goals;
- The identification of training deficiencies.

All law enforcement special operations should be formally monitored and evaluated semi-annually.

POLICE/COURT LIAISON PHASE I

FINDINGS

No mechanism presently exists to facilitate cooperation among police and courts in such areas as scheduling police officers as witnesses and following up on dismissed and non-prosecuted cases.

Little cooperation exists between police agencies and the courts. Cases are prepared by the police and the results of investigations are turned over to the prosecutor for his action, with little or no follow-up. The prosecutor then decides whether to continue prosecution, to ask for dismissal or to refuse to prosecute the case.

Basic scheduling conflicts exist among police and courts. Frequently, police officers are required to spend several hours in a courtroom waiting for their turn to testify. This not only deprives the officer of his off-duty time, but also precludes his responding to police situations. Officers are spending an average of ten man-hours per month in the courtroom. This time is far in excess of the actual time needed for testimony and cross-examination.

In a recent survey of local law enforcement agencies, several questions were posed regarding coordination and cooperation between police and the courts. In a sample involving a cross-section of small, medium and large police departments, 77 percent of those surveyed stated that their agencies maintain liaison with the prosecutor. However, most of this liaison is on an informal basis. An active liaison with the prosecutor to aid in officer scheduling, case preparation and review of dismissed or non-prosecuted cases is lacking.

RECOMMENDED STANDARDS

The state should create and fund a position of court liaison officer in each judicial circuit to be responsible for:

- Scheduling of police officers as witnesses;
- Providing police agencies with disposition on convicted or non-prosecuted cases;
- Expediting cases from police agencies to the prosecutor's office; and
- Providing liaison between police and the courts.

These liaison officers should have minimum qualifications consisting of a management, criminal justice or related degree. Some experience in law enforcement or court-related functions also would be helpful. Judicial circuits with relatively light work loads may delegate this function to either an assistant district attorney or an investigator in the district attorney's office.

The State Crime Commission should assign a high funding priority to two court liaison pilot projects during Fiscal Year 1976. Placement of court liaison officers in all judicial circuits should be considered after evaluation by the State Crime Commission determines whether these projects have been successful.

SEARCH WARRANT PROCEDURE PHASE II

FINDINGS

A frequent objection to the use of search warrants in Georgia is that the application process is too time-consuming. A major contributing factor is the necessity for law enforcement officers to apply in person before a reviewing judicial official in order to obtain a warrant. This requirement is particularly troublesome in rural areas where law enforcement officers often work alone, and do not have access to fellow officers who can assist in obtaining search warrants. Another problem concerns court access. A recent survey of Georgia's judicial system found that only 69 of 123 superior courts responding issue search warrants at night and only sixty do so on weekends. Among nineteen state courts responding, twelve do not issue search warrants at night and thirteen are unavailable on weekends. The figures for municipal courts are comparable. This means that a large percentage of the emergency warrants — particularly those relating to drug enforcement activities — must be obtained from justices of the peace.

In an attempt to overcome similar problems related to search warrant procedure, Arizona and California enacted laws which allow police officers to obtain needed search warrants by telephone. Under this procedure the requesting officer contacts the issuing magistrate and makes an oral affidavit via telephone. The entire conversation is tape-recorded and entered into the court's records on the following day or as soon as is practical. In addition to the oral affidavit, the issuing magistrate and the requesting officer simultaneously fill out original and duplicate warrants, with the magistrate authorizing the officer to affix his (the magistrate's) signature to the duplicate warrant before execution. The telephone search warrant statutes in both states have been upheld in court. Some local jurisdictions within the two states have utilized variations of the procedure to ensure greater protection of defendants rights. In San Diego County, California, for example, the telephonic warrant process includes the local prosecutor's office in the procedure.

As a result of implementing the telephonic warrant procedure, these two states found that time required to obtain search warrants — which can be as long as 24 hours and often results in lost evidence — was reduced to less than two hours. Often, the time required to obtain the warrant was reduced to a matter of minutes. Because the telephonic warrants involve only a limited number of cases, and because safeguards protecting Fourth Amendment rights are included in the process, search warrant expediency is not gained at the expense of individual rights.

RECOMMENDED STANDARDS

Legislation should be introduced permitting use of tape-recorded oral affidavits as an alternative to the present requirement for written affidavits. If a court determines that probable cause for the issuance of the search warrant exists, it should prepare the search warrant and authorize the requesting officer to fill out a duplicate search warrant, and sign the judge's name to it. The warrant would be considered valid for the purposes of conducting the search. To insure the procedure is not abused, there should be a requirement that the oral affidavit be transcribed as soon as is practical, and the transcript, the original of the search warrant (judge's copy) and the duplicate (police officer's copy) should be filed with the clerk of the superior court in the county where the search occured.

As an additional safeguard, the authority to issue a telephonic search warrant should be vested solely in judges of courts of record. To help insure that a judge of a court of record is reasonably available at all times, the superior court of each circuit should be required to develop a plan and a schedule to insure the availability of a judge for issuance of either standard or telephonic search warrants at night and on weekends and holidays.

In addition, it is recommended that adequate training in telephonic search warrant procedures be provided to all Georgia peace officers.

POLICE FISCAL MANAGEMENT PHASE II

FINDINGS

Many of the state's local law enforcement agencies do not practice sound fiscal planning and management despite scarce fiscal resources.

Over $96 million was spent on police protection in Georgia in fiscal year 1973, including over $77 million expended at the local level. As law enforcement agencies expand efforts to reduce and control crime, agency executives must choose the most economical and effective programs to realize best results from their limited financial and manpower resources. Continued or expanded financial commitment for personnel and programs requires justification and accountability by law enforcement executives.

Fiscal management includes the processes of planning for expenditures based on program cost effectiveness and budget preparation that justifies the need for existing or additional resources, and control and accountability of finances.

In Georgia, approximately half of the larger law enforcement agencies do not perform cost analysis of programs as related to goal achievement. An estimated 67 percent of all agencies have no formal procedures for budget development and control, and approximately 63 percent of the chief executives are not responsible for fiscal resource allocation and management once a budget is approved.

RECOMMENDED STANDARDS

To improve fiscal management in Georgia's law enforcement agencies, chief executives should insure that budget development guidelines are prepared. These should include: timetables and descriptions of all functions to be performed; identification of personnel responsible for each function; instruction to develop a budget based on agency planning and goals; provisions for involvement of middle management in planning and budget preparation; and instructions to include explanation for justifying existing and additional resources required.

Preparation of budgets in accordance with the guidelines should be the responsibility of chief executives, although actual budget preparation should be delegated to the planning staff in agencies with 75 to 150 personnel, and to a full-time fiscal officer in agencies with more than 150 personnel.

Law enforcement chief executives should experiment with different types of budget systems to identify those most advantageous to each agency. In those localities in which actual disbursements of funds are maintained in a central office for all governmental agencies, the law enforcement chief executive should be provided summaries of expenditures, balances, allotments and encumbrances. Such summaries should be provided at least quarterly for agencies of less than 75 personnel and monthly for agencies with 75 or more personnel.

Governments should insure that law enforcement agencies have budgets sufficient to sustain operations based on identified needs. Law enforcement agencies should not rely on fines collected from ordinance violations for operating funds.

PROPERTY ACCOUNTING PHASE II

FINDINGS

Property accounting involves the classification, retention and disposition of property seized during arrests, found property which may have been reported stolen, and prisoner's property which must be retained until release.

Although statewide statistics are not available, studies indicate that perhaps two million dollars worth of property

stolen in burglaries was recovered by law enforcement agencies in 1973, and another $600,000 of property stolen in robberies was recovered. An undetermined amount stolen in larcenies and auto thefts was also recovered. All of this in addition to the personal property of 3800 persons detained in city and county jails, was the responsibility of law enforcement agencies.

Improvements are needed in achieving accurate property classification, security of retention facilities, timely return of identifiable property to rightful owners, and proper disposition of remaining property. Of twenty-six Georgia agencies responding to a 1975 survey, fourteen do not perform audits or inventories to insure proper procedures are followed. Seven of the fifteen agencies responding indicated that losses or thefts of property entrusted to the agencies had occurred, although in some instances the property was either recovered or determined to have been misfiled.

Large thefts reported in several police departments throughout the country have not occurred in Georgia. However, the lack of documented occurrences may be due to poorly established accounting and reporting procedures. Any loss or theft against a law enforcement agency is a theft of citizens' property and could result in a dismissal of criminal charges if it was evidence needed for trial.

Technical assistance is supplied by the Georgia Crime Information Center to any law enforcement agency in the form of incident and arrest/booking reports. These reports have sections to itemize the property involved in incidents or taken from prisoners. They also include pre-printed receipts. As of May, 1975, 220 of Georgia's 508 agencies were not using these forms.

RECOMMENDED STANDARDS

All law enforcement agencies should develop standard property accounting procedures. For those agencies in which officers personally retain evidence, each officer should be provided a secure, padlocked locker for which only he should have access. Evidence too large to be retained in lockers should be retained in a physically secure area. Access to these areas should be restricted to designated agency personnel. All evidence required for felony cases should be maintained in a fireproof container with access limited to designated agency personnel.

Personal property of prisoners should be maintained in a physically secure, centralized area with access restricted to a limited number of agency personnel.

All property not classified as evidence should be retained in a physically secure, centralized property room. Access to this room should be restricted to designated agency personnel.

All property retained in a centralized location should be submitted within twenty-four hours of its recovery. All drugs, guns or money classified as either evidence or non-evidence should be retained in a centralized vault or safe with a minimum Underwriter's Laboratory insurance rating of TL-15. Access to this vault or safe should be restricted to a limited number of designated agency personnel.

All property classified as non-evidence that has been in custody of an agency for 120 days should be auctioned or destroyed annually. All items of evidence should be disposed of in accordance with court orders or directives of the district attorney.

An inventory of property and audit of records should be performed at least annually by personnel whose routine functions do not include property accounting. Proper records should be maintained to allow for this audit.

All serially identifiable evidence or found property should be compared with stolen property files in the agency and in the Georgia Crime Information Center's computerized system.

Procedures should be established for the proper retention and disposition of property if a particular booking or arresting officer is not available.

Each agency should designate personnel responsible for records maintenance and orderly property retention. Non-sworn officers should be used for property accounting where possible in order to concentrate sworn officers in law enforcement duties.

Agencies investigating losses or property thefts should require all personnel involved in property accounting functions to undergo polygraph examinations.

The Prosecuting Attorney's Council should develop by 1977 a set of uniform guidelines and criteria to be used by district attorney's offices in determining retention periods for evidence.

LAW ENFORCEMENT UNIFORMS AND EQUIPMENT PHASE II

FINDINGS

The types of equipment and uniforms used by law enforcement officers in Georgia are important factors contributing to the effectiveness of their performance. However, underpaid officers are frequently responsible for procuring their uniforms and equipment, and uniforms of

non-law enforcement personnel are often mistaken for those of peace officers.

Protection cannot be provided to citizens unless peace officers have proper equipment to respond to disturbances with the appropriate amount of force. Although law enforcement is a governmental function, governments and taxpayers in many areas of the state do not pay for needed peace officer equipment which helps assure citizen protection. In over half of agencies in the Atlanta metropolitan area, the peace officer must furnish his own uniforms and equipment. For these patrolmen, whose maximum yearly salaries range from $7,320 to $8,795, it would not be too surprising to find that the least expensive and not the safest, most effective or even complete set of equipment was used.

Surveys indicate that written procedures regarding the proper method of wearing all uniforms and equipment items were available in only forty-two percent of the agencies in the state. Most personnel equipment items are standardized, although, procedures such as firearm inspection and practice vary considerably.

Community service is a primary objective of law enforcement and citizen attitudes toward their peace officers is an important consideration. Knowledge of an officer's presence deters potential criminals from committing illegal acts and assures citizens that protection is available when needed. Such attitudes are developed, in part, through the use of distinctive uniforms and patrol vehicles. The importance of distinctive and impressive uniforms was underscored when a survey of a large American city indicated that 72 percent of those persons surveyed rated appearance as the most tangible trait apparent in each officer, and that appearance, above all else, was rated high as an important factor.

Yet, the uniforms of a peace officer in Georgia does not necessarily distinguish him from personnel of private firms engaged in security or investigations. Consequently, a uniformed peace officer may be judged not only on his actions and the actions of his fellow officers, but also on the actions and appearance, either good or bad, of private security personnel who wear similar uniforms or operate similarly marked vehicles.

Georgia law does not require personnel or vehicles of public law enforcement agencies to be distinguishable from private security firms by means of distinctive markings. The Georgia Board of Private Detective and Private Security Agencies was created as a result of a 1973 act, but the Board is limited to licensing and registering private agencies. Numerous verbal complaints have been received by the Board from citizens who have sought or expected assistance from personnel believed to be peace officers but who were actually private agency guards or investigators.

RECOMMENDED STANDARDS

Each law enforcement agency should designate all items of uniform and the proper method of wearing all items. The use of either two-season or all-season uniforms should be adopted, and the dates for wearing each uniform established. The uniform should clearly identify the wearer by name and agency. All items of equipment should also be designated and should include, at the minimum, specific types of handgun and lead, hollow point ammunition, baton, handcuffs, belts and holders, flashlights and raingear.

All uniform items, equipment, weapons and ammunition should be provided by the agency at no charge to the peace officer. Replacement periods for uniforms should be established, or the officers should be provided a replacement allowance.

Each officer should be inspected daily either formally or informally to insure that the complete uniform and equipment complement are worn properly. Each officer should also be required to attend firearm practice at least quarterly and to qualify with his firearm at least annually. All firearms should be examined annually by a qualified gunsmith. Ammunition should not be retained by officers for periods greater than six months.

Shotguns should be mounted with a lockable receptacle in the most unobstrusive manner possible in the interior of all law enforcement vehicles. Each agency should adopt written procedures detailing the circumstances when each firearm – primary handgun, secondary handgun if allowed, and shotgun – should be drawn and fired. When any weapon is fired on duty, appropriate written reports should be provided to the agency's chief executive.

Legislation should be enacted in 1976 to prohibit any agency, organization or group of persons other than state or local government law enforcement agencies from wearing uniforms or operating vehicles similar in either color or insignia design to those of official law enforcement agencies within counties where private agencies or groups operate. This legislation should also prohibit the use of any metallic badge and the use of the word "police" by any private agency. Restrictions on uniforms and vehicle colors should be enforced by January 1, 1977. Restrictions on the use of badges and the word "police" should be enforced by July 1, 1976. Violations to this law should be punishable by not more than a $1,000 fine or three months imprisonment or both.

In addition, legislation should be enacted in 1976 to require uniformed personnel of municipal police departments, county police departments and all sheriff's departments to wear uniforms which by their color and design designate the type of department. Marked vehicles should also be of a standard color and design which designates the type of department. By the end of 1976, representatives of the

three types of departments should agree as to the color and design of uniforms and patrol vehicles to be used by each. The distinctive markings of the Georgia State Patrol should not be duplicated by any of these agencies. Full adoption of these items by all law enforcement agencies should be complete by 1980.

LAW ENFORCEMENT TRANSPORTATION AND EQUIPMENT PHASE I

FINDINGS

Other than salaries, transportation is the most expensive item in the typical police agency budget. However, law enforcement agencies in Georgia have limited access to expertise in motor vehicle management.

All local law enforcement agencies are invited and encouraged to participate in the state's "police package" plan for procurement of automobiles. Under this plan, low cost, high quality standardized police vehicles are purchased in large quantities for the Georgia State Patrol and other state law enforcement agencies. Participation in this plan, however, is not mandatory for local law enforcement agencies. During the past year only nine percent of all local law enforcement agencies purchased their vehicles through the state police package plan.

Currently, the state is doing very little to help provide high quality and cost-effective maintenance programs for police agencies. There is no special inspection or certification procedure for police vehicles and the state maintains only one major police garage to serve its own law enforcement vehicles. Hence, many state law enforcement vehicles and all local law enforcement vehicles are maintained either by the local dealers or private garages.

Although law enforcement technical assistance is provided to local agencies from several sources, none of these sources provides assistance in fleet management. Among state agencies, only the State Crime Commission is properly authorized and capable of providing fleet management assistance to local law enforcement agencies. The State Crime Commission does not have staff expertise to provide assistance, but can provide Law Enforcement Assistance Administration grants for fleet management projects.

At the present time only the Georgia State Patrol offers pursuit driver training courses to its members. Furthermore, only three of every ten local law enforcement agencies conduct safety programs with adequate driver training, vehicle inspection and problem-driver detection procedures.

RECOMMENDED STANDARDS

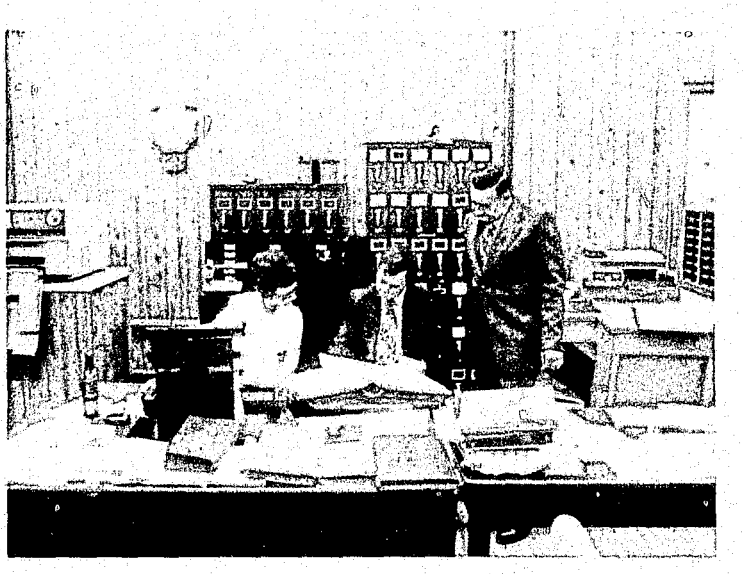
The State Crime Commission should develop a comprehensive fleet management program for police agencies in 1976. The program should be adaptable to all law enforcement agencies and should contain guidelines for determining fleet needs and suggested improvements.

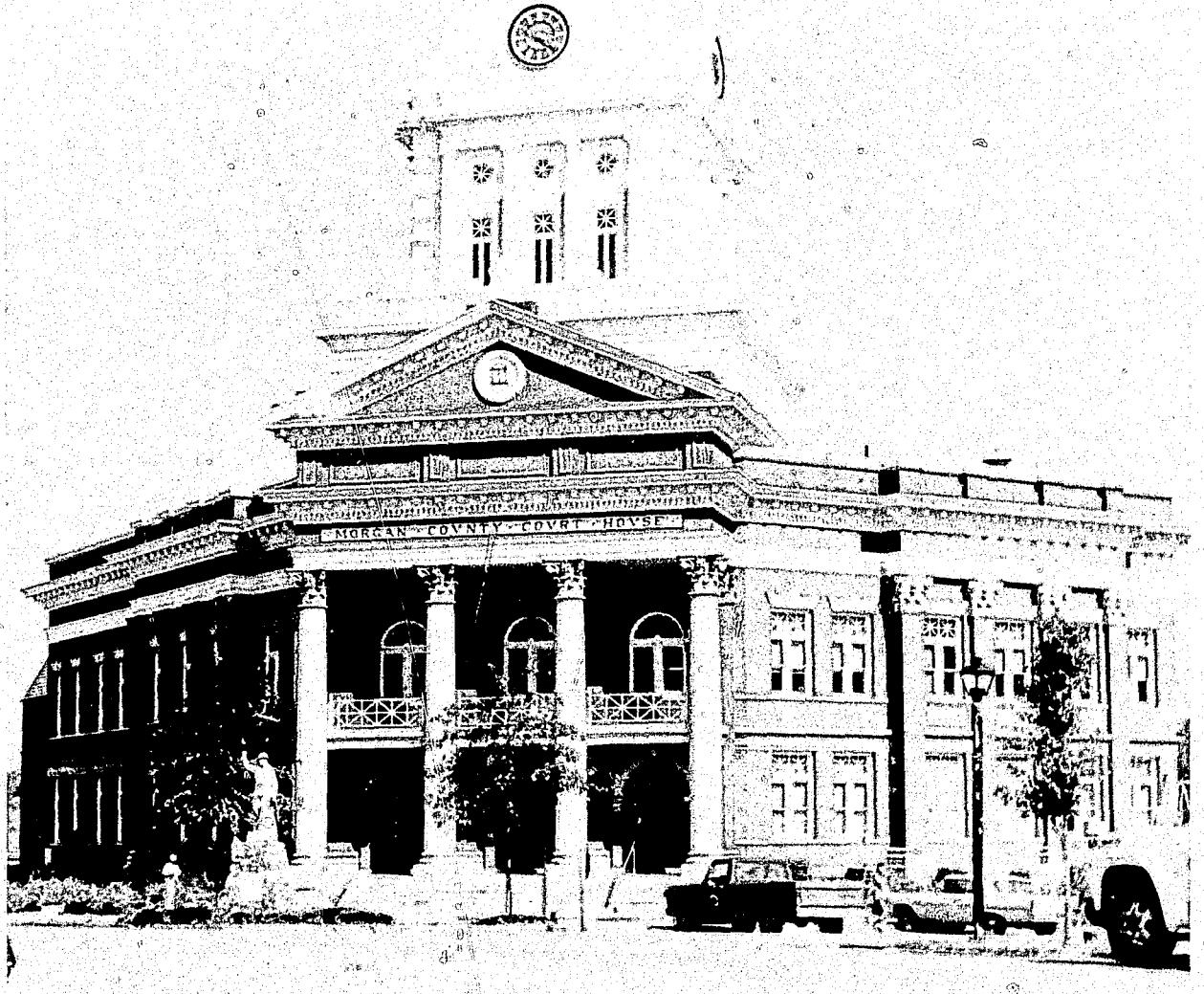
To improve police vehicle safety, the following actions should be taken:

- When purchasing new vehicles, all state and local police agencies should be required by legislation to conform to vehicle safety and performance specifications as set forth jointly by the Department of Public Safety and the Department of Administrative Services.
- The Department of Administrative Services should broaden its current specification package to accommodate fleet needs of all police agencies throughout the state.
- A program of statewide recognition for police officers with exceptional driving records should be initiated.
- Defensive driver training should be provided at all accredited police academies throughout the state and a special pursuit driving course should be initiated at the Georgia Police Academy.

Improve the Quality of Justice

GOAL: IMPROVE THE QUALITY OF JUSTICE IN THE STATE OF GEORGIA BY INCREASING EFFICIENCY OF THE JUDICIAL PROCESS AND BY INSURING GRADUATED VIABLE COMMUNITY-BASED ALTERNATIVES TO INCARCERATION WHEN THERE IS AN ADJUDICATION OF GUILT.





SUMMARY OF RECOMMENDATIONS

- Impeachment should be eliminated as the method for removal of a district attorney from office. A special qualifications commission should be created to investigate and recommend to the Supreme Court of Georgia discipline or removal of a district attorney from office. *PHASE II*

- The State of Georgia should provide a minimum of two prosecutors, including the district attorney, for each Superior court judge. *PHASE II*

- The State of Georgia should provide each district attorney an investigator. *PHASE II*

- Georgia should adopt a combined system for providing indigent defense services including the use of assigned counsel and public defender systems. The basis of a statewide program for indigent defense services should be a public defender organization financed by the state. *PHASE I*

- The General Assembly should consolidate the state's 42 judicial circuits into ten administrative districts with at least five judges in each district. An administrative judge with assistance from a certified court administrator should be responsible for assigning judges, caseflow monitoring, budgeting, coordination of support personnel and all other administrative duties. Statewide administrative authority should be vested in the Judicial Council. *PHASE II*

- A presentence investigation and written report should be required in any felony case where a sentence of confinement exceeding two years can be imposed. *PHASE I*

- A formal procedure for limited pretrial discovery in criminal cases should be implemented in Georgia. *PHASE I*

- Georgia should not prohibit the use of plea negotiations, but should expressly recognize plea negotiations and establish statutory guidelines for their use. *PHASE I*

- Twelve-man juries in all felony cases and multiple court misdemeanor cases should be continued. Unanimous verdicts should also be retained. Juries of any number greater than five are acceptable in trials of single count misdemeanors.

- Regional juries should be permitted in Georgia and required in superior courts of any county whose population is less than 25,000. *PHASE I*

- The Judicial Council should employ an attorney-public information specialist and initiate a statewide court public information program and provide technical assistance to courts confronted with sensational or important trials. *PHASE II*

- The State of Georgia should be responsible for providing adequate court reporters for the state's courts of record. Salaries for the reporters should be based on workload. *PHASE II*

THE PROSECUTION FUNCTION PHASE II

FINDINGS

Despite the immense power of the prosecutor, and the impact the office has on the administration of justice, the prosecution function in most jurisdictions has been so balkanized that each prosecutor is an entity unto himself, responsible only to his electorate. Jurisdictions and responsibilities overlap, sometimes conflict, and occasionally leave jurisdictional "no man's lands." Coordination is voluntary and often dependent on personalities involved.

The prosecutor wields far greater influence and power than is commonly recognized. Without his approval it is virtually impossible for a criminal action to begin, or in many instances to continue in trial court. The prosecutor is not required to explain his actions or inactions. His discretion is all but absolute. It will not be reviewed by either a state or federal court even if allegedly applied indiscriminately. The power inherent in the prosecutor is reported to be equal to or perhaps greater than that of a judge or a jury.

The prosecution function in Georgia is divided between the Attorney General, district attorneys, solicitors, a few municipal court prosecutors and private prosecutors. The Attorney General is the chief law officer of the state and the head of the Department of Law. He is an elected officer and may be removed by impeachment.

The Office of District Attorney is a constitutional office. The district attorney is elected by the people of the judicial circuit. He is responsible for prosecuting all criminal cases in the superior court, and represents the state in cases brought to the superior court. Under certain circumstances he may be directed to act by the Attorney General; otherwise, the district attorney is independent. He may be removed from office only by impeachment, although a superior court judge may suspend the district attorney in cases where he is accused on an indictable offense. When he is absent, indisposed, disqualified, or on active duty with the armed forces, the court may appoint a substitute. However, should the district attorney be unwilling or incompetent to try a case, no provision exists for the appointment of special counsel (such as from the attorney general's office or another district attorney's office) unless the district attorney requests it. The state must wait until the district attorney commits an indictable or impeachable offense, dies, or is defeated for re-election.

In 62 counties, separate courts, generally known as state courts, are established to try misdemeanor cases. With the exception of two counties, Chatham and Dougherty, local legislation provides an independent prosecutor known as the solicitor. Seventy-four percent of the solicitors are part-time offices, only a few have assistants (of the thirteen assistant solicitors, eight are in Fulton County). All solicitors are elected. They may be removed from office upon conviction for malpractice in office, although a solicitor may continue in office even if convicted of an offense.

When the power of a prosecutor is vested in a part-time official, there is danger that office responsibilities will be subverted by the influence of private clients or selfish interests.

RECOMMENDED STANDARDS

Impeachment should be eliminated as the method for removal of a district attorney. A special qualifications commission should be created consisting of the Attorney General, two district attorneys selected by the Prosecutor's Countil, two members of the Georgia Bar and two citizens. The commission should be empowered to investigate a district attorney and to recommend his discipline or removal from office to the Supreme Court of Georgia. Legislation should be passed empowering the court to take appropriate action.

The Attorney General and district attorneys should constitute the sole prosecuting officers. Legislation should be enacted to abolish the office of solicitor and other lower court prosecutors and to transfer those functions to district attorneys.

The Office of Attorney General and District Attorney should remain elective, and a constitutional amendment should be drafted and submitted to the voters which would include a proposal to fill vacancies in the Attorney General's Office and the District Attorney's Office by merit selection.

PROSECUTION SUPPORT PHASE II

FINDINGS

Although charged by law with impartially representing the interests of the people, public prosecutors are not provided with the staff or the resources necessary to keep up with the spiraling crime rates and caseloads. At the same time the public prosecutor is being called on to represent the state on matters not previously required or expected: i.e., preliminary hearings, applications for wiretaps and search warrants, and juvenile court hearings. In some urban areas the prosecutor's office workload has reached crisis proportions forcing them into excessive plea bargaining.

Georgia could not escape these pressures. From 1971 to 1973, the incidences of crime increased 22 percent while the number of felonies filed by district attorneys increased 25.6 percent. In five circuits the number of cases filed increased by more than 80 percent, and each prosecutor was responsible for over 162 felonies. In eight predominantly rural areas, the number of felonies per prosecutor was over 300.

The Department of Law, headed by the Attorney General, consists of the State Law Library, an administrative unit, and eight legal divisions. Each legal division consists of five to eight attorneys and reports to a senior assistant attorney general who coordinates the workload. In 1974, the Department of Law processed 15,593 cases, 38 percent of which represented actual trial litigation.

Compared to other divisions within the Department of Law, the Criminal Division handles a disproportionate amount of litigation. Despite staff increases, the Criminal Division's backlog increased 58 percent in 1974 over 1973.

In 1968, the Office of District Attorney was made a full-time position and district attorneys were prohibited from engaging in private practice. Five years later the state assumed the responsibility for providing each district attorney with a secretary, and an assistant district attorney for each additional superior court judge in the circuit. The state also provides the district attorneys with copies of Georgia Laws, Georgia Reports, and Appeals Reports. For all other supplies or personnel, district attorneys must rely on the counties in their respective circuits, or on federal grants. However, many district attorneys do not have assistants and must prosecute over 300 cases per year. Even when there are assistants, caseloads are high, and there is little time left for adequate review or screening of cases prior to trial.

Compounding this problem is the trend toward giving district attorneys more responsibilities. In 1975, legislation was introduced in the General Assembly adding new responsibilities in areas of diversion, plea negotiations, and discovery. Although by law a district attorney is only required to represent the state in a juvenile case at the request of a judge, a recent U.S. Supreme Court decision made his presence all but mandatory. Only Fulton County presently provides a full-time prosecutor to the Juvenile Court. In a series of cases, Georgia appellate courts increased the importance of preliminary hearings and made it increasingly necessary for a district attorney to appear at an early stage in prosecutions.

Since 1968, the State Crime Commission has provided $1,155,851 in federal funds to assist local prosecutors, primarily to hire assistants and investigators. An additional $397,809 was allocated for local prosecution projects in 1975. State law inhibits use of these federal funds by prohibiting the use of state funds to match assistant district attorneys' salaries, and by requiring specific local legislation authorizing counties to pay salaries in prosecutors' offices.

Some additional support is available through the Prosecuting Attorneys' Council. The Council conducts training conferences, publishes a trial manual for prosecutors, and issues a weekly digest of major criminal court decisions. It also provides limited assistance to district attorneys in trials and appeals, and assists in office management.

As state court solicitors are strictly local offices, the state provides no funding. Seventy-four percent of the solicitors are part-time officials who put in an average of 16 hours per week as prosecutors; the remainder of their time is spent in private practice. Although a solicitor may appoint an assistant, there are only 13 assistant solicitors, eight of whom are in Fulton County.

RECOMMENDED STANDARDS

Legislation should be enacted which would provide the Department of Law with sufficient funds to increase the staff of its criminal division by not less than 13 attorneys.

The Commission recommends that legislation be enacted by 1977 to provide as a minimum two prosecutors, including the district attorney, per superior court judge. By 1980 the state should provide each district attorney with one attorney for each 150 felonies filed, one attorney for each 400 misdemeanors filed and one attorney for each 25 appeals.

Legislation should be introduced requiring the state to provide each district attorney with a basic law library.

The Prosecuting Attorneys' Council should serve as a coordinating agency for prosecutors and continue to provide assistance to district attorneys in research, training, and preparation of trial aids.

Existing state law should be revised so that county governments may provide additional assistants and staff for district attorneys without being required to seek local legislation. Where a court solicitor's office is abolished, authorized staff positions should be transferred to the Office of District Attorney.

THE PROSECUTOR'S INVESTIGATIVE ROLE PHASE II

FINDINGS

Although the principal role of the public prosecutor is to serve as the legal representative of the state in court, law and custom require the prosecutor to occasionally conduct investigations prior to deciding whether or not a case

should go to trial. Investigative responsibilities evolved from the public prosecutor's special relationship to the grand jury and his obligation to eliminate cases when the evidence is insufficient to obtain a conviction or when prosecution, even if successful, would not meet the ends of justice. In many instances the public prosecutor is forced to assume the role of investigator because local police agencies either failed to adequately prepare a case for prosecution or refused to investigate certain types of cases.

Unfortunately, public porsecutors are not provided with the investigative resources necessary to adequately prepare a case for trial and thus must utilize staff attorneys as detectives.

In addition to serving as the chief law officer of the state, the Attorney General is by statute authorized to conduct investigations. For a number of years, the Attorney General maintained an independent investigative staff within the Department of Law but now mainly relies on the Georgia Bureau of Investigation.

Very few district attorneys' offices were equipped to conduct investigations. Prior to 1969 only one district attorney's office, Fulton County, had its own investigators. The State Crime Commission, however, made funds available for investigative personnel in over 90 percent of the district attorneys' offices.

The grand jury is given broad civil and criminal investigative powers. While in some areas of the state a grand jury may be impaneled for up to six months, in many circuits the life of a grand jury can be as short as two months. Consequently, it is virtually impossible for many grand juries to perform all their duties or to conduct lengthy investigations. Special investigative grand juries are authorized in those counties with a population of 400,000 or more. Unlike a regular grand jury, an investigative grand jury is not restricted to a particular term or time limit and can remain in session until its investigation is completed.

RECOMMENDED STANDARDS

Each district attorney should be authorized an investigator to be compensated by the state. The investigator would assist in investigations initiated by the district attorney and would devote time to:

- Assisting and training local law enforcement agencies in search and seizure, evidence and court procedure;
- Screening warrants from non-law enforcement sources;
- Coordinating witness appearance before the grand jury;
- Insuring the availability of evidence;
- Providing technical assistance to local law enforcement agencies in the drafting of affidavits for search warrants; and
- Responding to requests for discovery.

The county grand jury should be restrained and supplemented by a special investigative grand jury with members selected from the judicial circuit. This circuit grand jury should be empaneled by the Attorney General or district attorney of the need for such a grand jury or upon a vote of a majority of the judges of the superior court. When there is substantial evidence of criminal activity involving more than one judicial circuit or involving state officials, the Attorney General should be authorized to petition the Supreme Court for the empaneling of a grand jury with statewide investigative authority. The costs of either a state grand jury or a circuit grand jury should be borne by the state.

INDIGENT DEFENSE PHASE I

FINDINGS

While indigents have a right to appointed counsel at all critical stages of the criminal prosecution, the present system in Georgia for providing defense counsel is not adequate. According to a 1973 survey, many persons entitled to counsel were not actually provided with an attorney, and in other instances persons who were not indigent, received the services of an appointed attorney Many counties have a critical shortage of attorneys available to handle indigent cases. Also, wide variations exist among the standards applied to determine indigency and the methods used to provide counsel. There are 128 courts which have no system for providing defense attorneys for indigents and which continue to sentence some indigent defendants to imprisonment unconstitutionally. In 1972, thirty-eight counties spent less than $500 on indigent defense and twenty-five of these counties paid nothing.

Indigents have a right to appointed counsel at all critical stages of the criminal prosecution, including the preliminary commitment hearing, arraignment, post indictment procedures, trial and first appeal. The United States Supreme Court has not imposed a blanket rule requiring appointment of counsel at all probation and parole revocation hearings, but the court has indicated that counsel may be necessary in certain cases where an individual claims he did not violate the conditions of release, and where there are substantial reasons that mitigate a violation and make revocation inappropriate. The court also indicated possible need for counsel where it is doubtful that the individual is capable of speaking effectively for himself. The Georgia courts have stated that an indigent defendant does not have the right to counsel at a probation or parole revocation hearing.

The Georgia Constitution provides the right of a criminal defendant to defend himself. Georgia courts have consistently held that once the defendant chooses to proceed

to trial with or without counsel, he may not later change his mind and either obtain or dispense with a lawyer.

Georgia law provides flexibility in providing defense counsel to indigents through either individually appointed attorneys, non-profit legal aid agencies, a public defender office or a combination of these methods. The court or the county may determine the method of providing the defense. All expenses for that method must be paid by the county. Furthermore, no state agency is provided to coordinate or provide administrative services to the local defender systems.

Appointed attorneys representing indigents must provide secretarial and other supportive services. As fees paid appointed attorneys are substantially below those earned in private practice, attorneys spending an adequate amount of time on a case may suffer a substantial loss. If an attorney limits his time on a case to avoid financial loss, he may not provide an adequate defense.

RECOMMENDED STANDARDS

The Commission recommends:

- Appointed counsel for indigents be available as soon as practicable after request of the accused but not later than the preliminary commitment hearing, and at all other stages thereafter through first appeal. No counsel should be appointed unless indigency has been determined by the court. This determination should be made by the court as soon as practicable.
- Counsel be appointed at the request of indigents who face parole and probation revocation hearings. Again, no counsel should be appointed unless indigency is determined by the court or the State Board of Pardons and Paroles.
- A defendant be strongly discouraged from defending his own case at trial. If the defendant insists upon preparing his own case without counsel, the trial judge should require a written waiver by the defendant of his right to counsel, stating that he understands the nature of the charges, the possible range of penalties for the offense with which he is charged, and possible defenses to the charge. Unless the defendant satisfies the judge that his waiver of counsel is "knowing and intelligent", the judge should deny the defendant his request to proceed without counsel. A Constitutional amendment would be required to implement this recommendation.
- Georgia adopt a combined system for providing indigent defense services including the use of assigned counsel and public defender systems. The basis of a statewide program for indigent defense services should be a public defender organization. The Commission recommends that the State of Georgia provide funds to finance this program.
- The defender offices should be governed by an impartial board consisting of private attorneys and other interested citizens in order to insure the independence of the defender's office. The continued participation of the State Bar should be encouraged throughout this system and the State Bar should appoint the attorney members of the board. The board should select a director to administer the public defender system while the board sets the general policy. Circuits should be allowed to continue or to establish defender systems meeting state criteria for quality defense services and supported by state grants.
- The continued use of assigned counsel in a combined defender system. The use of assigned counsel provides flexibility in helping the public defender deal with varying case loads and is also necessary for cases where the interests of individual defendants in a case may be in conflict, and the public defender office cannot handle both cases. Assigned counsel should be appointed from a panel of all those willing to accept appointments and who are competent in criminal law and procedure. The defender office can train assigned counsel and make the supportive services of his office available to them. The public defender could also handle the crucial early proceedings of the case where defendants frequently are not represented when counsel is assigned by the court.

COURT ADMINISTRATION PHASE II

FINDINGS

Historically, administrative control of Georgia's courts has shifted alternately between the Governor and the General Assembly, a process resulting in uneven development and lack of uniformity. The product is not a court system: it is a collection of diverse courts operating independently with no one exercising proper administrative control. Yet, the courts are faced with numerous administrative problems which decrease efficiency and effectiveness. These include the problems of equalizing caseloads; reducing the administrative duties of the judges; managing and planning for proper caseflow; coordinating support activities; budget control and planning; personnel administration; and adoption of administrative and procedural rules.

A constitutional amendment adopted in 1974 stipulates that for administrative purposes all courts shall be a part of one unified judicial system and that the administration of the court system is to be performed by the judiciary. The Judicial Council and the Administrative Office of the Courts have made significant progress in moving the judiciary closer to self-management and effective planning although they have no direct administrative authority over any court.

On the trial level each circuit runs its own affairs, generally without any professional assistance. Only three counties employ professional court administrators. These administrators are confined to service activities within the courts they serve. They exercise no administrative authority within their courts other than that temporarily conferred by the judge or judges collectively.

Responsibility for caseflow management, calendar management, and monitoring is vested in the judges of each individual court. This responsibility is generally carried out by the judge, the court clerk and other personnel who may be involved. There is no capability to manage and monitor caseloads on a statewide basis.

There is no judicial personnel system in Georgia. Staff positions are filled by judges, or a majority of judges in multi-judge circuits. Clerks of superior courts are elected to their offices and appoint their own personnel.

The budgetary process is an essential part of planning for any system. However, the judicial budget is controlled by the General Assembly and local government with little control by the judiciary.

RECOMMENDED STANDARDS

Smaller judicial circuits should be combined by the General Assembly into ten administrative districts with no less than five judges in each district. For administrative purposes no distinction should be made among superior, state, county, probate and juvenile courts.

The administration of the judicial business of each administrative district should be the responsibility of an administrative judge. This judge would be appointed for a two year term by a council of judges composed of a representative of each court in the district. He would be assisted by a professional court administrator. The trial court administrator would be selected by the administrative judge from a panel of available administrators certified by the Administrative Office of the Courts. Certification should be based on criteria established by the Judicial Council. The court administrator would report to the administrative judge.

Judges should be assigned within a district by the administrative judge based on needs revealed by caseflow monitoring. Superior court judges could be assigned to sit in state and juvenile courts.

All administrative duties formerly performed by judges, as far as practical, should be performed by court administrators. Caseflow management would be conducted by the court administrator according to statewide guidelines. The court administrator would coordinate support activity throughout a district.

This administrative system should effectuate unified central budget preparation. In order to provide planning and evaluation information to the Administrative Office of the Courts. Guidelines expressing administrative policy should be promulgated by the Judicial Council. These guidelines would be binding on court administrators. Guidelines should require uniform reporting necessary for planning and budgeting purposes. Court administrators should submit budgets to the Administrative Office of the Courts for central consolidation.

Personnel administration guidelines should be uniform and binding on each administrative district.

Statewide administrative authority should be vested in the Judicial Council. The Council's policies and guidelines should be binding on each administrative district.

The Supreme Court should make procedural rules for the court system. Local rules should be allowed until court unification is completed, but should be approved by the Supreme Court. A copy of all local rules should be deposited with the Supreme Court and the Judicial Council.

Planning for the judiciary should be done by the Administrative Office of the Courts. Guidelines defining information required for planning should be binding on all court support personnel including all court clerks.

PRESENTENCE REPORTS PHASE I

FINDINGS

A presentence report provides information concerning the background of an offender which assists the judge in selecting a sentence. Georgia law currently provides for a presentence investigation and report regarding an offender after a determination of guilt and prior to sentencing. However, these reports have not been used as often and effectively as needed because of the manpower and time limitations of the probation/parole supervisors responsible for preparation of these reports.

The current use of presentence reports in Georgia courts is varied. Some courts use them often and some not at all. When used the reports are sometimes limited to investigations of those offenders accused of serious crimes. Other courts require a report only if it is believed the offender will be a good subject for probation.

Georgia law also requires a hearing following a determination of guilt wherein the sole issue is that of the punishment to be imposed. The law requires the court to hear evidence in extenuation, mitigation or aggravation and

to permit both the defendant and the prosecutor to present arguments regarding the sentence. In actual practice there is no correlation between the use of the presentence report and the presentence hearing because such a hearing is most often held immediately after the entry of the plea or determination of guilt. It is used primarily for presenting the court with the offender's prior record.

The Georgia courts have not interpreted the Georgia statute requiring presentence reports and hearings to mean that the sentencing decision is to be based solely on information presented at the sentence hearing. Consequently, the court may base the sentencing decision on information contained in the presentence report but not revealed at the presentence hearing. There is also no requirement that the offender be informed of any information in the report or of what factors influence the court's decision.

RECOMMENDED STANDARDS

The Commission recommends that presentence investigations and written reports be required in any felony case where a sentence of confinement exceeding two years can be imposed. To allow for experimentation with various types of reports and kinds of information needed, it is recommended that the contents of the report not be specified in the legislation.

The Commission also recommends that presentence investigation be permitted to begin prior to adjudication. This should only be allowed when the defendant, with the advice of counsel, initiates such action and signs a waiver. No information obtained prior to adjudication may be used against a defendant prior to the determination of guilt. Not only will this result in more efficiency for the courts and probation officers, thus relieving some of the manpower and time limitations, but it may also promote early releases from confinement for offenders.

As a matter of fairness, to ensure accuracy of information and to encourage the cooperation of the defendant in rehabilitation efforts, the Commission recommends that presentence report contents be made available to the defendant and his counsel. The recommendation of the probation officer as to disposition should be separate and not disclosed to the offender. Exceptions to full disclosure for diagnostic and confidential material should be permitted at the discretion of the court. By requiring disclosure, by establishing guidelines for exceptions, and by requiring that reasons for withholding information be stated for the record, the practice of disclosure will be encouraged.

With disclosure of the presentence report to the defendant, a presentence hearing can become more meaningful in that the real basis for any sentencing decision can be made part of the record. Challenges to report accuracy can be made prior to the sentencing hearing. The defense counsel can be prepared with feasible alternative sentencing dispositions because he will be aware of the factors being considered by the court.

Legislation will be needed to implement these recommendations. Legislation will also be needed to permit the court to accept either a plea of guilty or a finding of guilt as final without a right to withdraw said plea. Additionally, legislation will be needed to permit a judge to enter an order adjudicating the defendant guilty and ordering a postponement of sentence pending a presentence investigation.

DISCOVERY
PHASE I

FINDINGS

Pretrial discovery is a procedure used in civil and criminal cases in which the prosecutor or the defendant's attorney, or both, exchange certain prescribed evidence they intend to use at trial. Because it helps to provide both parties with all relevant evidence, criminal pretrial discovery increases the efficiency and reliability of the criminal trial to determine guilt or innocence.

Although a common practice in civil cases, formal pretrial discovery in criminal cases is very limited in Georgia. Defendants are forced to rely upon their own resources to gather facts and on the informal cooperation of the prosecutor to discover evidence.

The Georgia courts will not order pretrial criminal discovery unless authorized by law. Georgia law contains only one statute dealing with discovery. It requires the prosecution to furnish the defense with a list of witnesses on whose testimony the charge is based. This law has been strictly interpreted by the courts with the defendant required to demand the list from the prosecutor prior to arraignment on the indictment. No unlisted witnesses may be called by the state at trial. Where a witness is known solely to the investigative officer, the prosecutor has not been held responsible for failing to provide the witness name, and his testimony has been allowed at trial.

Pretrial discovery for criminal cases has been accomplished in various degrees in most states and extensively in the federal court system by court rule or by statute. The Federal Rules of Criminal Procedure, effective as amended August 1, 1974, present the most comprehensive screening of pretrial discovery presently in use. In addition, other states and the federal system utilize other court proceedings to promote discovery. Such proceedings include preliminary hearings, motions to suppress, discovery at trial and court decisions on the prosecutor's constitutional duty to disclose. However, the primary purpose of these proceedings is not discovery and their use as such can delay the

court process. Because these procedures do not allow comprehensive pretrial discovery of the other party's cases, such motions, hearings and discovery at trial can operate only as supplements to a system of pretrial discovery.

In Georgia, a summary of evidence is presented at the commitment (preliminary) hearing, but the defendant has no right to a copy. No statutory provisions permit discovery of statements of prosecution witnesses after their direct testimony, as in the federal system, and the code provision providing for notice to produce books, documents and other physical evidence in a party's possession is apparently limited to civil cases.

The Commission does not recommend a broad discovery requirement that the prosecution or defendant should disclose all evidence to be used at trial. However, a specific enumeration of items subject to disclosure would better aid the prosecution and defense in deciding what information is required to be disclosed. Finally, a specific enumeration would be easier to change, by additional requirements or deletions, as experience proves the workability of the system.

RECOMMENDED STANDARDS

Legislation establishing a formal procedure for limited pretrial discovery in criminal cases should be passed in Georgia to provide that:

- The prosecution be required, upon request, to disclose the names and addresses of intended state witnesses, their prior criminal records and that of the defendant, if such records are actually known to the prosecutor. Statements made by the defendant, results of medical examinations or scientific tests or experiments, and physical evidence belonging to the defendant or intended for use at trial should be disclosed.
- Immediately before a witness' direct testimony at trial, the prosecutor disclose any written statement made by a prosecution witness and signed or otherwise adopted or approved by the witness. Any stenographic, mechanical, electrical or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by a prosecution witness to an agent of the state and recorded contemporaneously with the making of such oral statements which are known to the prosecutor or in his possession should also be disclosed by the prosecutor.
- The defendant should be required to disclose names and addresses of witnesses he intends to call at trial, results or reports of examinations, tests or experiments, and physical evidence he intends to introduce at trial. The defendant should also be required to give notice of intent to rely on an alibi or insanity defense.
- A simplified system of procedures be developed to allow each party to adequately test the evidence.
- Discovery should commence shortly after indictment or accusation or no later than arraignment, by order of the court.
- Discovery should be reciprocal and mandatory. It should not require a court order before it may commence, and it should be automatic after initial written request by either party.
- The court should have discretion to issue protective orders restricting, deferring or excusing disclosure.
- Since protective orders are the only safeguard against abuse of discovery, the court should have wide discretion to issue them on a showing of cause. Factors to guide the judge in the exercise of his discretion should include the safety of the witness and others, a particular danger of perjury or witness intimidation, protection of information vital to the national security and the protection of business enterprises from economic reprisals.
- The prosecution should not be required to seek a protective order to prevent disclosure of an informant's name. Informers are a valuable investigative tool of the state and to require disclosure of their identity before trial would discourage their continued use by the prosecution and create a risk of intimidation. Disclosure of the informant's identity may still be required at trial.
- The trial judge be given great discretion in imposing sanctions for failure to comply with the discovery rule. Because the purpose of the sanctions is not to punish an offending party, but rather to discourage the exchange of relevant information, the judge should be allowed to grant a continuance, order discovery or take other appropriate measures under the circumstances.
- An affirmation of the prosecutor's constitutional duty to disclose be stated, which should be drafted in broad language in order to permit further refinement by the court.
- In all cases in which an accused is arrested prior to indictment, he should be guaranteed a preliminary hearing, which may only be waived before a judicial officer and after the defendant has been afforded ample opportunity to confer with counsel.

PLEA NEGOTIATIONS
PHASE I

FINDINGS

Plea negotiations are usually carried out informally and privately, creating a sense of unease, suspicion and disrespect from both the criminal defendant and the general public. Recent recommendations that plea negotiations be abolished have raised many questions concerning the desirability of their continued use.

Plea negotiation is a discussion process through which the prosecution and defense attorneys, with approval of the defendant, enter into an agreement. Under the agreement, the defendant agrees to plead guilty if the prosecutor will drop some related charge(s), accept a guilty plea to a less serious crime than charged, or attempt to secure a sentence favorable to the defendant. The entry of the plea by the defendant allows the prosecutor to handle more cases and spares the defendant from the cost and effects of a trial.

While there are no Georgia laws dealing directly with plea negotiation, the law does grant the defendant the right to withdraw a plea of guilty at any time prior to entry of judgment on the court record. In interpreting this law the Supreme Court of Georgia has approved by implication the use of plea agreements.

The use of plea agreements is extensive, though no data exists concerning exact numbers. The process is thought to account for a large number of the guilty pleas, which are estimated to account for ninety percent of all convictions. Abolition of the plea negotiation process would reduce the number of guilty pleas and place a trial burden upon the current resources of the court system which could not be handled without a substantial increase in court expenditures.

Georgia law does not require recording of plea agreements, but court decisions have required the record to show the plea was intelligently and voluntarily entered. The process has been criticized for unequal treatment. It is possible that defendants charged with similar crimes could receive different sentences under a plea agreement. The lack of a time limit in which negotiation should be completed is considered detrimental to proper management of a trial calendar. Where pleas can be entered on cases scheduled for trial, waste in jurors' time and other court costs can result from delay or rescheduling of the cases. Few statutes exist on the use of improper persuasion to bring about guilty pleas. The law is not definitely stated, but it indicates that a defendant should not be misled and should be apprised of information in the possession of the prosecution. If the defendant is misled, the courts have decided that the plea is not knowingly or voluntarily made and should be permitted to be withdrawn.

Although not a widely used practice, some judges participate in the plea negotiation process by attempting to persuade defendants to plead guilty. This is not a desirable practice as the defendant, who is already in an unsteady psychological state, often views the judge as an almighty power. Therefore, any suggestions by the judge may have a subtle, coercive effect upon the defendant. Georgia law contains no provisions on judicial involvement in plea nogotiations.

RECOMMENDED STANDARDS

Because the administration of justice is served through the use of plea agreements, plea negotiations should not be prohibited, but should be expressly recognized. It is proper for the prosecuting attorney to enter into plea negotiations and for the court to consider the plea of guilty when the result will be fair to the defendant and will also serve the public interest. In determining the public interest, both the prosecuting attorneys and the courts should consider that:

- The victim and the victim's family are spared the trauma of a public trial.
- Restitution or compensation may be made available to the victim.
- The defendant by his plea has aided in insuring the prompt and certain application of correctional measures to him.
- The defendant has acknowledged his guilt and shown willingness to assume responsibility for his conduct.
- The concessions will make possible alternative correctional measures which are better adapted to achieving rehabilitative, protective, deterrent or other correctional treatment, or will prevent undue harm to the defendant in the form of conviction.
- The defendant has made public trial unnecessary when there are good reasons for not having the case dealt with in a public trial.
- The defendant has given or offered cooperation when such cooperation has resulted or may result in the successful prosecution of other offenders engaged in equally serious or more serious criminal conduct.
- The defendant by his plea has aided in avoiding delay, including delay due to crowded dockets, in the disposition of other cases and thereby has increased the probability of prompt and certain application of correctional measures to other offenders.

No statewide statutory time limit should be set for the initiation or termination of plea negotiations. However each court, on its own initiative, should encourage the early entry of pleas.

The Commission recommends that no prosecutor should, in connection with plea discussions:

- Charge or threaten to charge the defendant or additional defendants with offenses for which the admissible evidence available to the prosecutor is insufficient to support a guilty verdict.
- Harrass the defendant by charging or threatening to charge him with additional crimes or charge additional defendants in order to induce the defendant to plead guilty to the original charge or charges.

- Threaten the defendant that if he pleads not guilty, his sentence or the charge against him may be more severe than that which is ordinarily imposed in the jurisdiction of similar cases on defendants who plead not guilty.
- Fail to fully disclose all evidence favorable to the defendant.

The Commission recommends no legislation to implement the above recommendations, but believes that their adoption through use by the courts will be sufficient. The endorsement and support of these recommendations by the Judicial Council, the State Bar, the Council of Superior Court Judges, the County Court Trial Judges and Solicitors Association, the District Attorneys Association and the Criminal Justice Council will greatly increase the effective implementation of these recommendations.

Legislation should be passed which provides that:

- All plea agreements should be disclosed to the court and the terms of the agreement should be part of the case record.
- No plea negotiations should take place until the defendant has been given an opportunity to be represented by an attorney. Once the defendant is represented by an attorney, all negotiations should be conducted only in the presence of and with the assistance of counsel.
- If the defendant insists on proceeding without counsel, an attorney should be appointed to assist the defendant and explain his constitutional rights, the nature of the charges against him, possible defenses to the charges, and the consequences of his plea.
- The court should be prohibited from initiating plea negotiations. It should participate in the negotiation process only after the negotiations have been completed or at the joint request of the prosecutor and defense counsel.
- When the court inquires into the negotiation process, it should, prior to formal entry of the plea, inform the defendant as to whether it accepts or rejects the plea agreement. If the judge rejects the agreement, the defendant should be allowed to withdraw his plea; however, if the judge accepts the agreement, the defendant should be prohibited from withdrawing his plea except by permission of the court.
- The defendant's guilty plea must be voluntarily and intelligently made. In making the determination that a guilty plea was made voluntarily and intelligently, the court must establish that the following criteria have been met:
  1. Unless the right to counsel is waived, counsel must be present during all plea negotiations.
  2. The defendant must be legally competent and must understand the nature of the charges made against him. The trial judge must determine in open court whether the defendant understands the nature of the charge and proceedings against him.
  3. The court must insure that the defendant understands his constitutional rights and the consequences a guilty plea has on these rights. Results of this inquiry should be made part of the court's record.
  4. The court must reject a guilty plea if the defendant was denied, during the plea negotiation, a constitutional or significant substantive right which he did not waive.
  5. The defendant must be informed of mandatory minimum and maximum sentences that may be imposed, including information concerning consecutive sentences, possible increased punishment due to habitual offender laws and laws affecting his eligibility for parole.
  6. The court should not accept a guilty plea which has been improperly induced.
  7. The court must determine that there is a factual basis for the plea and "reasonable cause" to believe the defendant guilty. Strict rules of evidence do not need to apply in this determination.
  8. The court may accept a guilty plea if it finds that it is reasonable for someone in the defendant's position to plead guilty even though the defendant does not admit that he is guilty.
  9. The trial judge may consider the public interest in his decision to accept or reject a plea.

JURY SIZE AND COMPOSITION PHASE I

FINDINGS

Because neither Georgia nor federal law mandates a twelve-man jury or a unanimous verdict, questions have arisen concerning the desirability of maintaining these requirements. Do the economic considerations of twelve-man juries and unanimous verdicts outweigh the protection provided by their use to individuals accused of crimes?

Though the United States Supreme Court in 1968 determined that a six-man jury would serve the essential functions of the jury and accordingly that the Congress and the states were free to experiment with jury size in criminal cases, the federal and Georgia courts still require a jury of twelve unless there is consent by the defendant to a reduction in the number of jurors.

The Georgia Constitution has granted exclusive jurisdiction over felony cases to the superior courts, which are required to have juries of twelve. In misdemeanor cases tried in the inferior courts, the Georgia Constitution permits juries of less than twelve but requires a minimum of five jurors in

such cases. Consequently, in cases where there are multiple misdemeanor charges against a defendant, it is possible that, if convicted, such defendant may be sentenced to from one to several years in prison by a five-man jury. A jury of twelve persons is required in superior courts where a defendant may be sentenced to terms of more than a year for felony violations.

The twelve-person jury is an appropriate size to provide good group deliberation, to be free from intimidation, and to reach a just verdict. It interposes a sufficient number of laymen between the accused and the government to prevent government oppression in determination of guilt or innocence. It is also more likely that minority groups would be present on a large jury making it a more representative cross section of the community and less likely to be biased against some defendants. It can be argued that a large jury would afford the accused even greater protection, but the state has a legitimate interest in minimizing jury size because of the cost and time factor.

Neither the United States or Georgia Constitution requires unanimous jury verdicts. However, federal statutes and Georgia courts through interpretation have retained the unanimous verdict. While other states have allowed less than unanimous verdicts, there is no data at the present time upon which a convincing argument can be made for the use of less than unanimous verdicts.

Those who support unanimous verdicts argue that:

- Unanimity is necessary to insure full jury participation in the verdict;
- Unanimity insures that minority viewpoints will be considered;
- Unanimity is necessary to effectuate the reasonable doubt standard; and
- Unanimity helps safeguard the innocent from conviction.

Proponents of a non-unanimous jury argue that:

- The number of hung juries occasioned either by bribery or a juror's irrationality will be minimized;
- Unanimity often results in agreement by none and compromise by all despite the frequent absence of a rational basis for such compromise;
- There will be a savings of both time and money due to shorter jury deliberation time; and
- Fewer hung juries would result in second trials if unanimity were eliminited.

RECOMMENDED STANDARDS

The Commission recommends the continued use of twelve jurors in all felony cases and recommends the use of twelve jurors in cases of multiple court misdemeanors. The Commission also recommends the use of any number of jurors, not less than five, in trials of single count misdemeanors.

The Commission recommends at this time that unanimous verdicts be retained in Georgia because so few jury statistics are available upon which to make any determination concerning the severity of jury verdicts as a result of unreasonable compromise or hung juries caused by one irrational juror.

A Constitutional Amendment will be required which allows the General Assembly to prescribe any number not less than five for a trial jury except in felony or in multiple court misdemeanor cases where twelve jurors are required.

JURY SELECTION PHASE I

FINDINGS

In 123 out of 159 Georgia counties, there are populations of less than 25,000 persons. Sixty-one of these counties have populations of less than 10,000 persons. When these population figures are reduced because of age and all other factors which permit a person to be excused from jury duty, the number of potential jurors may be too small to insure a fair and impartial verdict.

Under present Georgia law jury lists are selected by county, and within small county populations, it is more likely that persons selected for jury service may be related to or personally acquainted with one or more of the parties in a court action. Consequently, it is difficult to try cases in smaller counties involving a prominent citizen or alleged corruption of a public official, even though the structure of Georgia's superior courts, by circuits, provides a regional superior court judge. Where the jurors are predisposed to convict or acquit, they tend to be predisposed because of their close personal knowledge of the person on trial. Likewise, when an "outsider" is charged with a crime against a local citizen, the small population from which the jury list is drawn almost assures that acquaintances and friends of the alleged victim will be on the jury.

RECOMMENDED STANDARDS

Regional juries should be permitted in Georgia and should be required in superior courts of a county whose population, according to the most recent official census, is 25,000 or less. This would provide a broader base for drawing a jury panel and insure a fair and impartial jury uninfluenced by personalities and free from fear and intimidation.

For purposes of superior court jury selection, for both grand and petit juries, counties with 25,000 or smaller population should be combined within a circuit to make the most convenient geographical area possible. Jurors who need to travel extreme distances could be excused from jury duty at the discretion of the court. In larger counties, the size of the population should be such that regional juries would not be needed.

The Georgia Constitution would have to be amended to allow for the selection of grand and trial jurors from the judicial circuit or other appropriate geographic region within which the superior court is located to enable the General Assembly to provide for regional jurors.

PUBLIC INFORMATION PHASE II

FINDINGS

The State of Georgia has inadequate public information programs in its court system. The courts are hindered in the administration of criminal justice because of public misunderstanding about their role. There is a lack of public confidence in the courts compounded by confused, often inaccurate reporting of court affairs by the news media.

The State Bar of Georgia, through its Young Lawyers Section, produced a "Manual for State Jurors in Georgia". The manual is apparently the only piece of court public information literature in widespread use in the state.

Two of the larger judicial circuits, Fulton and Cobb Counties, are undertaking innovative programs. Fulton County makes a concerted effort to use the juror's free time for court education. The program utilizes judges, the court administrator and written materials in an orientation program at the beginning of the juror's service. At the end of jury duty, the jurors are provided an opportunity to provide feedback to the program. Fulton County also publishes an annual report for public distribution.

The Cobb County Superior Court has stressed community involvement and press relations with success. The court administrator has assigned duties in public relations. The court holds two seminars each year on the justice system for members of the public and the volunteer probation unit. The program provides for education as well as public input. The court is also initiating an annual report with research and writing to be provided by an outside citizen's group. Little or no other activity is occurring in other judicial circuits.

RECOMMENDED STANDARDS

The Judicial Council of Georgia should assume responsibility for providing leadership and direction to Georgia courts in the field of public information. The Council should hire an attorney-public information specialist who will:

- Bring the bench, bar and press together to establish free press/fair trial guidelines for Georgia;
- Represent the Judicial Council, the Administrative Office of the Courts and the Georgia Supreme Court in public information activities;
- Instigate preparation of standardized public information materials for jurors, defendants, witnesses and the general public with the cooperation of the State Bar of Georgia – with all Georgia courts having access to the materials at a low cost;
- Work with the Judicial Council and other judicial organizations to begin affirmative action in educating judges in the need for better public information and a more open judiciary;
- Help the Judicial Council and the State Bar of Georgia hold a yearly Bench/Bar/Press seminar to debate free press/fair trial issues, discuss changes in the courts and their operations, sensitize judges to the problems of the news media, educate news people in the language and technicalities of the system of justice, and establish better rapport between judges, lawyers and the media;
- Devise a handbook for local courts outlining practical public and community relations activities that can be implemented at the local court level with a minimum of difficulty;
- Study the problem of the courts and public information and determine recommendations for action; and
- Act as a roving public information officer for all Georgia courts, responding to requests for assistance as well as providing emergency public information services for small courts confronted with sensational or important trials attracting public attention and the news media.

TRANSCRIPT PREPARATION PHASE II

FINDINGS

One of the principal causes of delay in the appellate review process in Georgia is the amount of time necessary to prepare the trial transcript – the record of the proceedings in the trial court.

Delay in transcript preparation is caused primarily by overworked, understaffed and poorly compensated official court reporters. The rate paid official court reporters is not currently competitive with compensation received for freelance court reporting work. Many official court reporters often undertake freelance reporting to augment their income. This additional work frequently interferes

with and delays the preparation of official transcripts. Moreover, by not offering competitive compensation, the courts find it difficult to attract well-qualified court reporters.

In 1974, "The Georgia Court Reporting Act" was passed. This Act conferred jurisdiction upon the Judicial Council to define and regulate the practice of court reporting to insure minimum proficiency. The Act provides for a Board of Court Reporting which has responsibility certifying court reporters. Only those persons so certified shall engage in the practice of court reporting. The effect of this act should be salutary, but it does not directly attack the problem of undercompensation and understaffing.

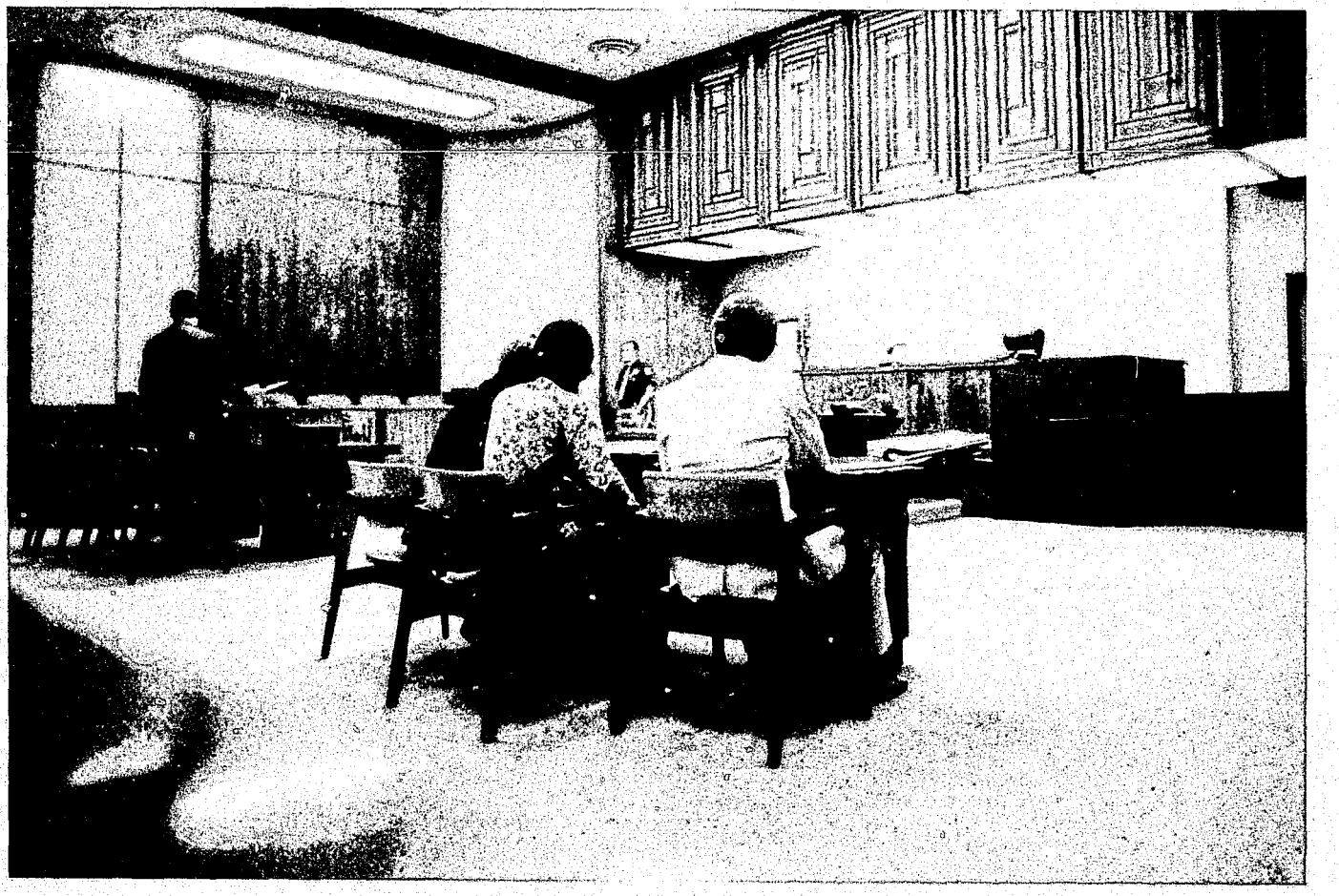
RECOMMENDED STANDARDS

A bill should be proposed by the Administrative Office of the Courts for enactment in the next session of the legislature which would amend the Georgia Court Reporting Act and [1975] Ga. Laws 852-53 to provide the following:

- That effective January 1, 1977, the State of Georgia pay official court reporters a salary the amount of which is to be set from time to time by the Judicial Council of Georgia;
- That an official court reporter shall not be allowed to perform freelance reporting services during the times that court for which he reports is in session and official reporting work is not completed;
- That the Judicial Council of Georgia shall have the authority to contract with freelance reporters to provide additional court reporting services to circuits for which it determines such services are needed;
- That the Board of Court Reporting be authorized to remove a superior court reporter for recurring failure to file an accurate transcript on time due to negligence or insufficient training.

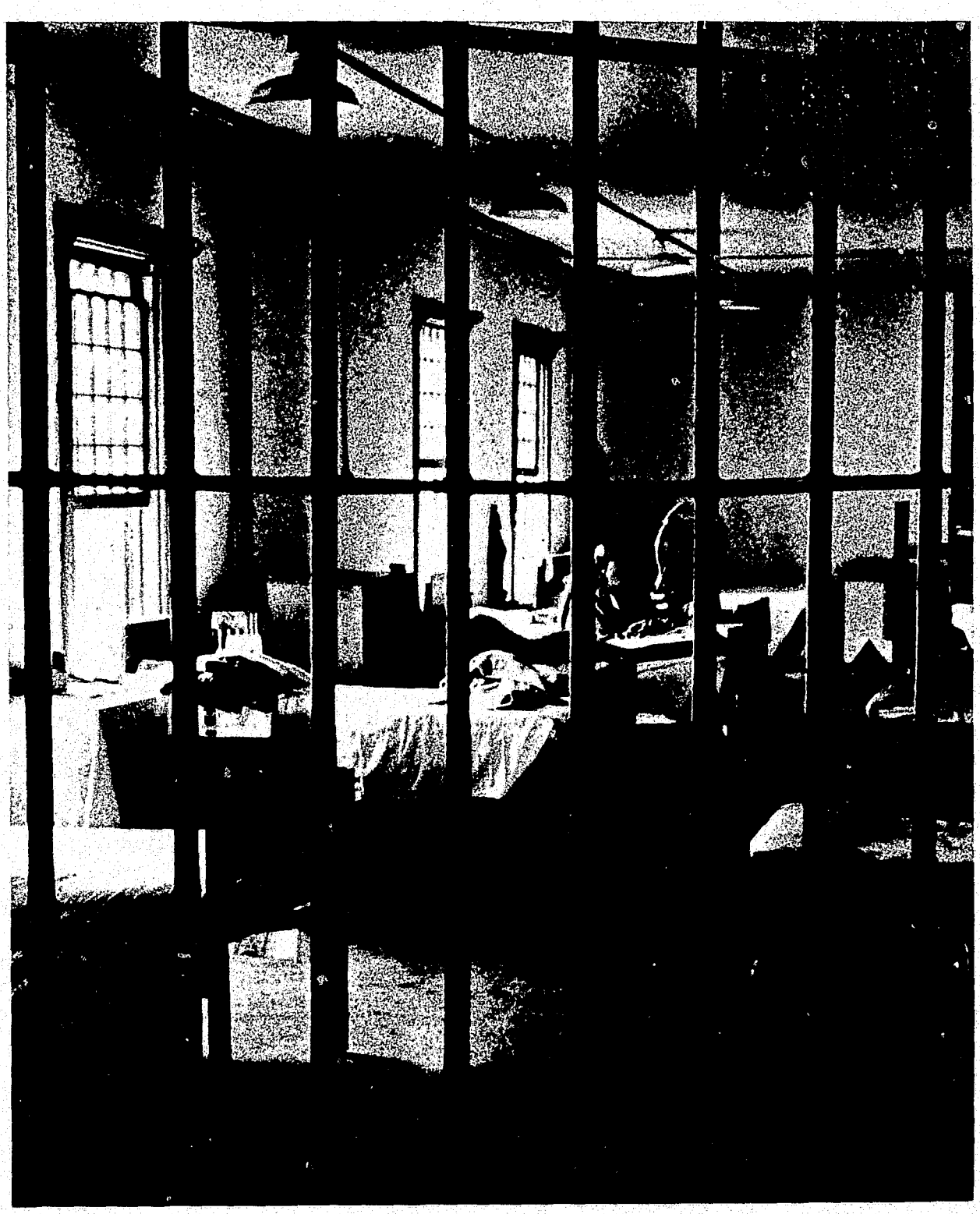
The Judicial Council should be given an appropriation to provide increased court reporting services to courts experiencing a backlog in transcript preparation.

The state should begin experimenting with computer aided transcription.



Improve Institutional and Non-Institutional Rehabilitation

GOAL: IMPROVE INSTITUTIONAL AND COMMUNITY REHABILITATION PROGRAMS FOR BOTH JUVENILES AND ADULTS BY INSURING THAT THROUGH THE DIAGNOSTIC AND CLASSIFICATION PROCESS OFFENDERS RECEIVE TREATMENT PROGRAMS THEY NEED AND DESIRE, BY INSURING THAT ALL TREATMENT PERSONNEL (INSTITUTIONAL AND COMMUNITY) ARE PROPERLY TRAINED AND HAVE MANAGEABLE CASELOAD SIZES AND BY INSURING THAT ALL INCARCERATION FACILITIES, BOTH STATE AND LOCAL, HAVE REHABILITATIVE ENVIRONMENTS.



SUMMARY OF RECOMMENDATIONS

- Court intake and the detention of children should be controlled and standardized statewide by the establishment and enforcement of specific criteria. *PHASE II*

- Greater emphasis should be placed on using alternatives other than detention in jails or in juvenile detention facilities to supervise arrested youths prior to trial. Priority should be given to financing the most cost effective alternatives first, such as supervised home release and attention homes. *PHASE I*

- Existing juvenile incarceration alternatives should be expanded immediately by 25 percent through the addition of one group home, one day center and two community treatment centers. The Department of Human Resources should develop a detailed plan to guide future expansion of these alternatives and publish guidelines encouraging their use. *PHASE I*

- Legislation should be enacted to permit only the Department of Human Resources to administer juvenile probation services. *PHASE II*

- A three-person Release Review Board, reporting to the Board of Human Resources, should be established to review all release recommendations from juvenile incarceration institutions. In addition, the Department of Human Resources should develop uniform release procedures for use by all juvenile incarceration facilities. *PHASE I*

- Legislation should be enacted to remedy enforcement defects in the Jail Standards Act and provide for enforcement of the standard that juveniles detained in an adult facility should be housed in quarters separate and apart from adults. *PHASE I, II*

- A comprehensive statewide presentence program should be organized under the Judicial Council of the State of Georgia. This program should emphasize diversion and pretrial release and offer a full range of treatment options designed to meet the individual needs of offenders. *PHASE I*

- The Department of Corrections/Offender Rehabilitation should identify staff training needs on the use of available diagnostic and classification data and initiate other steps to insure achievement of department-wide diagnostic information usage. Diagnostics and classification should be applied prior to sentencing. *PHASE II*

- Increased alternatives to adult incarceration should be provided by increasing probation field staff and facilities and by introducing a new category of intensive probation supervision to be known as strict control probation. *PHASE I, II*

- The General Assembly should enact legislation to ensure the gradual inclusion of the independent county probation and parole services into the Department of Corrections/Offender Rehabilitation. *PHASE II*

- Adult correctional institutions should be designed and constructed according to DCOR Facilities and legislation should be enacted to ensure the enforcement of these standards. *PHASE II*

- The Department of Corrections/Offender Rehabilitation should establish the institutional component of the Performance Earned Release Model as a pilot project in at least two locations. *PHASE II*

- The new women's prison in Milledgeville should be provided with adequate diagnostic and classification services and should also serve as a prison for women convicted of serious offenses. Community treatment centers should be opened in the major urban areas to house and treat women convicted of less serious offenses. *PHASE I*

- The State Crime Commission should evaluate the Prisoner's Legal Assistance Project to determine if the level of legal service being provided is adequate and the Department of Corrections/Offender Rehabilitation should develop and publish guidelines for conducting searches and seizures. *PHASE II*

- Selected inmates who can function in a community setting should be assigned to prerelease centers in or near their home communities three months prior to release. This will ease the inmates' transition from institutional to community life and should help reduce the recidivism rate. The existing number of community-based prerelease centers should be expanded to handle the increased caseloads. *PHASE I*

- A committee should be created by executive order to seek out potential candidates for Pardons and Paroles Board membership and to nominate them to the Governor. Minimum qualifications, including a bachelors degree, should be established for Board candidates. *PHASE I*

- The state should provide legal counsel to all indigent defendants during the parole revocation process. This will provide offenders with adequate due process during parole proceedings. *PHASE I*

- The Pardons and Paroles Board should formulate rules to place probationers on an equal footing with parolees and "max-outs" in terms of the administrative procedures for restoration of rights not directly related to the offense committed. *PHASE II*

- The Department of Corrections/Offender Rehabilitation should develop a management training program and a management-employees-offender relations program to decrease staff resignations, employee grievances and distrubances in institutions. *PHASE II*

JUVENILE INTAKE AND DETENTION PHASE II

FINDINGS

Georgia's juvenile court intake and detention are inefficient because of a general lack of specific criteria regarding intake and detention decisions; a lack of detention center planning based on quantifiable information; and a lack of adequate qualifications and training for detention personnel, particularly at the level of child-care and service delivery.

Although the intake process is an important part of a juvenile's experience with the juvenile justice system, the Georgia Juvenile Court Code does not address itself to this process. There are no specific criteria upon which decisions can be made relative to:

- The release of a child about whom a complaint has been made;
- The diversion of the child to some other social service agency;
- The provision of court counseling and referral services through non-judicial handling or;
- The filing of a formal petition.

The Juvenile Court Code does recognize the possibility of non-judicial handling and generally describes the conditions under which an informal adjustment can be made; however, specific criteria relative to which children should be handled in this way are lacking. Juvenile judges, in both independent systems and non-independent systems, have made extensive use of informal adjustments and informal probation. However, there are little data available about the success or failure of such dispositions.

Georgia's detention facilities, particularly the state-operated regional youth development centers are generally overcrowded. Overcrowding might be attributed to a tendency to detain children unnecessarily and a lack of sufficient detention bedspace. It is difficult to determine why the detention centers are overcrowded because there are no data pertaining to the use of detention facilities. It is not known statistically what class of offenders are being detained, why they are detained, how long they are being detained, and what the final dispositions are.

Furthermore, there are only very general guidelines to use in making a decision to detain a child. The Juvenile Court Code allows the detention of a child to protect the person or property of others or of the child, because the child may run away or be taken from the jurisdiction of the court, because the child has no person who can provide care and supervision, or because the court orders the child to be detained.

Such general guidelines can be interpreted as authorizing detention of almost any child who has had contact with the juvenile justice system. Indeed, during off-hours regional youth detention center workers are not authorized to release a child who has been brought to the center by a law enforcement officer.

Such variation in interpretation of conditions governing detention is partially shown by wide differences in detention rates among counties. In 1974 some counties detained no children while other counties detained up to 146 per 10,000 population. Although the information available is not conclusive and there certainly will be differences in the detention needs of various locales, the reasons for such wide disparities need to be examined.

An estimated 2,000 juveniles were held for over 24 hours in Georgia's jails during a 12-month period beginning November, 1974. This figure includes only those children who were held for longer than 24 hours. There are no data available relative to children who are held for less than 24 hours – an experience that may still be quite significant in the life of a youngster.

The Juvenile Court Code allows the jailing of children if detention facilities for delinquent children are not available and if the child is quartered in a room separate from adult inmates. A court order is necessary before a child can be jailed. The Code makes it clear, however, that deprived or unruly children may not be detained in a jail or in a facility which also detains delinquent children.

Current practices in Georgia violate these statutes. Data compiled by the Division of Youth Services Research Unit for 1974 indicates that 32 percent of all children jailed and 27 percent of all children held in regional youth detention centers are unruly children.

There appears to be a significant lack of planning regarding the location of new detention centers. The Division of Youth Services reacts to demands for more detention beds without analytically examining the detention requirements for a particular area. The current projection is to increase RYDC bed capacity by 30 percent in fiscal year 1976; thereafter 54 beds a year will be needed to "keep pace" with the current growth rates of youths requiring detention. However, these projections are not supported by data about what type of cases are being handled by each juvenile court and what proportion of those are being detained.

Law enforcement data are not available about what kinds of children are being processed through police agencies and what proportions of those are being detained. Finally, there are no data available regarding the disposition of detained children. Therefore, an analysis of whether detention was actually required has not been done.

RECOMMENDED STANDARDS

Court intake and the detention of children should be controlled and standardized statewide by the establishment and enforcement of specific criteria regarding decisions to:

- Dismiss a complaint against a juvenile,
- Divert the child and his family to other community resources,
- Offer the child and his family referral services and counseling on a non-judicial basis, or
- Recommend the filing of a formal petition.

If a petition alleging delinquency is filed, or if it appears likely that such a petition will be filed, there should be clear guidelines relative to when and where a child can be detained. Detention should be recommended only if it can be clearly demonstrated that a child would be better served, and if it can be shown that a child would be a serious danger to the community if he were to remain at large

So that intake and detention decisions can be made as soon as possible after a child has been taken into custody and so that detention populations can be controlled, trained, professional intake staff should be located at each detention center on a 24-hour-a-day basis. The intake staff should immediately conduct a preliminary inquiry including an interview with the parents. The intake staff should be authorized to release the child to his parents, or to detain the child in an appropriate manner.

Jailing of children should be prohibited by statute, except in cases where it can be shown they would be a menace to others in a juvenile detention facility. These dangerous children should only be jailed in quarters separate from adult inmates.

Planning for new detention centers should be based upon analytical research statistics. Data relative to the current use of detention and local delinquency patterns should be collected and analyzed on a regular basis, so that planning can be based on current information.

The administration of probation functions should be transferred to the Division of Youth Services; intake functions should also be transferred. Intake duties, however, should be performed by specialized intake units and should not be simply one of many duties performed by court services workers.

Detention center staffing patterns should be improved including the addition of youth development workers and the upgrading of salary levels based upon an analysis of skills and responsibilities required and a comparison of salaries for comparable positions in other jurisdictions. The requirements for screening and training line personnel should be included in the *Standards and Guides for the Detention of Children and Youth in the State of Georgia.* Statutory provision for the enforcement of the standards should be enacted.

ALTERNATIVES TO JUVENILE DETENTION PHASE I

FINDINGS

Due to the lack of sufficient detention alternatives in Georgia, several thousand more juveniles are being held in jails and juvenile detention facilities than should be.

Detention is defined as the maintenance of an accused person in secure custody at any time between arrest and trial. This is distinguished from incarceration which is maintaining a convicted offender in secure custody following the trial.

In Georgia, youths under seventeen years of age charged with either delinquent acts or status offenses may be arrested and brought into juvenile court. Delinquent acts include shoplifting, burglary and other offenses punishable under criminal law. Status offenses include truancy, ungovernable behavior, runaway, violation of curfew and other acts not considered crimes if committed by an adult.

In Georgia, during 1973, over 38,500 juveniles were arrested, 35 percent of whom were charged with status offenses. Based on the limited statistics available, it is estimated that about 5,900 were detained in regional youth development centers and 1,600 were confined in local jails. The 7,500 juveniles detained represents about nineteen percent of those arrested. The average detention period ranged between two and three weeks.

The Juvenile Court Code states that juveniles shall not be detained prior to the filing of charges unless detention is required under at least one of the following conditions:

- To protect the person or property of others or of the youth.
- Because the youth may abscond or be removed from the jurisdiction of the court.
- Because the youth has no parent, guardian, custodian or other person able to provide supervision and care for him and return him to the court when required.
- An order for his detention has been made by the court.

Most juveniles who are not detained are released to the supervision of a parent or guardian. In some cases juveniles are allowed to live at home but are placed under the supervision of a court service worker. Other juveniles are given special counseling and training programs and are diverted from further prosecution.

If a juvenile's home environment is considered undesirable, he might be placed in an attention home. These are privately operated homes under contract with the state to provide bed spaces for youths awaiting hearings on pending charges. Juveniles placed in attention homes are also under the supervision of court service workers.

Other forms of supervision are available as alternatives to juvenile incarceration. These include group homes providing living accommodations as well as intensive supervision and counseling. In addition, there are several non-residential incarceration alternatives, such as community treatment centers and day centers, which provide supervision and specialized counseling and training. According to the Department of Human Resources, spaces are occasionally available for short periods of time in some of these programs.

Most national correctional authorities consider the prolonged confinement of juvenile offenders to be undesirable, particularly the confinement of status offenders in the same facilities as juveniles charged with crimes. Moreover, detention is far more expensive than any of the alternatives. It costs $26 per day to keep a child in a regional youth development center versus $6 per day in an attention home. Based on detention practices followed in other states, Georgia is detaining almost 6,000 more juveniles per year than is desirable.

RECOMMENDED STANDARDS

The number of juveniles eligible for detention should be reduced by increasing the use of diversion. For those juveniles accused of delinquent offenses, the use of existing alternatives to formal detention, such as home release and attention homes, should be expanded. In addition, available spaces in existing group homes and other alternatives to incarceration should be employed rather than detention. Finally, the Department of Human Resources should immediately begin to compile the necessary statistical information to determine how many juveniles could be served by each of several alternatives to detention and where each of these alternatives should be located. Priority should be given to financing the most cost effective alternatives first, such as supervised home release and attention homes.

In addition the following steps should be taken:

- The Department of Human Resources should identify the capacity and available spaces in existing programs which serve as alternatives to both detention and incarceration.
- The Department of Human Resources should develop and publish criteria and procedures which encourage the use of home release and other detention alternatives. Emphasis should be placed on using the most cost effective alternatives first. Formal detention should be used only as a last resort.
- The Department of Human Resources should begin developing statistics on arrested juveniles which include the numbers of juveniles arrested, diverted from prosecution, assigned to a detention alternative, detained but eligible for a detention alternative if available, and released following detention. All statistics should be compiled by offense and place of arrest.
- Based on these statistics, the projected capabilities and locations of the detention alternatives desired for fiscal year 1976 should be determined and a budget request prepared accordingly. Priority should be given to financing the expansion of the most cost effective detention alternatives first, such as supervised home release and attention homes.

ALTERNATIVES TO JUVENILE INCARCERATION PHASE I

FINDINGS

Many children who are now incarcerated are serving their first term in an institution or have been convicted of a status offense rather than a criminal act. Both state and national authorities on juvenile corrections agree that the problems of most juveniles could be treated better in community-based programs if such programs were available.

After a juvenile has been judged guilty of a delinquent or unruly act, he may be put on probation or committed to the care of the Department of Human Resources. The commitment period lasts for two years or until a child is discharged from the Department and may be extended for an additional two years if a court deems it necessary.

At present almost 1,100 of the juveniles committed to the Department of Human Resources are incarcerated in four youth development centers and nine regional youth development centers located throughout the state. In addition, many of these centers have waiting lists of juveniles to be placed as soon as space becomes available. Available statistics show that approximately sixty percent of these incarcerated juveniles are serving their first term in an institution although they may have committed previous offenses. It is also estimated that approximately thirty percent of all incarcerated juveniles were convicted of

status offenses, such as truancy or running away, which would not be considered crimes if committed by adults.

It is generally held by most national authorities that community-based services contribute considerably more to rehabilitation than does incarceration. In the past few years, the Department of Human Resources has strengthened its community-based rehabilitative programs for juveniles committed to it by establishing "special projects" in the high commitment areas of the state. These new programs substantially bolster the treatment alternatives available to juvenile courts and the communities served. They are described in greater detail as follows:

- Day Center Program – There are four day centers located in the state. The day center program is designed primarily for the male offender between the ages of twelve and fifteen. Each juvenile must have a home or residence in the general vicinity of the day center and the committing judge must concur with the plan to place the juvenile in a community-based program. The day center program offers a four-pronged approach to treatment: individualized education, guidance and counseling, recreational therapy and cultural enrichment.
- Group Home Program – Youths selected for this program are those who have the potential for success in community -based programs but who are unable to live with parents, relatives or in foster homes. The goal of the group home program is the successful reintegration of the juvenile into the community. There are currently three homes for boys and two homes for girls. The homes serve a statewide population.
- Community Treatment Centers – There are two of these centers located in Atlanta and one center located in Columbus, Gainesville, Griffin, Newnan, Thomaston, Thomasville and Albany. Caseloads are limited to fifteen youths per worker to allow ample time for intensive work with each youth and his family. Those youths in the program reside in their homes while participating in activities at the centers.

The use of probation as an alternative to incarceration is a common and growing practice in Georgia. Juvenile court and superior court judges are permitted by law to probate a juvenile without committing him to the Department of Human Resources; they frequently exercise that option. In the seventeen counties in the state where county-supported juvenile court systems exist, supervision of probated youths is provided by county probation officers. Elsewhere in the state, supervision is provided by court service workers of the Department of Human Resources even though the probated youths are not committed to the Department. Whenever a youth is committed to the Department of Human Resources and an "alternate plan" which excludes incarceration is recommended by the Department, the committing judge is consulted before the alternate plan is enacted. The availability and use of alternate plans makes the incarceration of first offenders extremely rare. Individuals who commit serious offenses such as murder and rape are exempted from participation in alternate plans. Alternate plans may involve the use of one or more of the special projects discussed earlier.

RECOMMENDED STANDARDS

The Commission recommends an immediate 25 percent expansion of existing incarceration alternatives by the establishment of one group home, one day center and two community treatment centers. Future expansion should be accomplished based on a detailed plan to be developed by the Department of Human Resources. In order to prepare this plan, the Department of Human Resources should begin immediately to compile statistics indicating the capabilities, locations and types of the needed incarceration alternatives.

The Commission also recommends that the Department of Human Resources develop and publish criteria for use at the disposition point and at the adjudication hearing which encourages the following practices, listed in order of priority:

- When possible, juveniles should be released to their own home without supervision pending the adjudication hearing.
- Youths should be released to their own home whenever possible even if supervision is required.
- If youths who can be released to the home require additional treatment such as that offered by a day center or a community treatment center, such treatment should be sought if it is available locally.
- If such treatment is not available but the youth could still be released to the home, another alternative to incarceration should be sought. Statistics should be accumulated in such cases to determine the need for the future allocation of treatment resources.
- If none of the above alternatives is considered feasible or is available, the juvenile should be incarcerated as a last resort.
- Incarcerated juveniles should be moved from youth development centers and regional youth development centers to a community-based program as soon as their attitudes indicate a willingness to be rehabilitated and space can be found in a program suited to their particular needs.

Finally, the Department of Human Resources should consider freezing the construction of future incarceration facilities in order to promote the increased availability of incarceration alternatives.

JUVENILE PROBATION
PHASE II

FINDINGS

Georgia's system of juvenile justice is administratively and philosophically fragmented. Due to the existence of independent juvenile courts and probation systems and a state operated system, there are no statewide standards established or enforced relative to juvenile probation officers or probation services.

For 17 of the 159 counties in Georgia there are independent juvenile courts funded by the county, staffed by county employees, and operated at the county level. The remaining 142 counties do not have individual juvenile courts; they are served by state employees who provide most of the probation, intake, detention, and aftercare services. The 142 counties are served by 8 part-time juvenile court judges, 5 full-time juvenile court judges, 8 state court judges who hear juvenile cases, and 36 superior court judges who hear juvenile cases.

The counties which have independent court systems are responsible for providing the accompanying services necessary for processing of juveniles through the system, including intake, detention, and probation. Seven of the independent counties have asked the state to assume responsibility for one or more of these services, primarily detention. The state also provides the accompanying services to the remaining 142 counties as needed.

The state provides these juvenile services through efforts of the Court Services Unit of the Youth Services Division. The state also operates training schools, regional detention centers, community treatment centers and group homes.

The lack of a unified system has resulted in varying levels of probation service in the state. Each of the 17 independent court systems has its own set of qualifications for the position of probation officer and these often vary from qualifications required by the state for its court service workers. There are no standards relative to number of cases handled by a worker, number of contracts made, or kind of services provided. There are considerable differences in pay scales for probation workers across the state, which makes it difficult to attract personnel of uniformly high quality for all sections of the state. There is also an almost complete lack of statistical and evaluative material available relative to probation.

RECOMMENDED STANDARDS

Legislation should be enacted during the 1976 Session of the Georgia General Assembly to permit only the Department of Human Resources to administer juvenile probation services. The legislation should be written to provide for implementation in January, 1977. Employees of the 17 independent probation offices should be included in the state system in positions comparable to their current ones. These employees should be assured that any seniority and benefits they may have accrued during county employment will not be lost.

By June 1976, the Governor should direct the Juvenile Justice Advisory Commission to make necessary arrangements to implement the unification of the juvenile probation system. This commission should include representatives from Youth Services, the Judicial Council, the State Crime Commission, and the field workers from both the State Court Services Unit and the independent court systems.

The Commission should operate independently from the Department of Human Resources and the Judicial Council. It should address itself to the jurisdiction of the executive and judicial authorities, to problems of employee transfer, and develop a plan to ensure smooth transition from county to state control. This Commission should report back to the Governor no later than November 1, 1976, so that implementation plans can be finalized prior to January, 1977. This will also enable additional legislation to be drafted and submitted to the 1977 General Assembly if necessary.

The Commission should specifically address itself to the question of accountability of youth services to the juvenile judge. The appropriate judge should have a voice in hiring probation workers for his jurisdiction; the judge should also be periodically consulted about employee performance. A method should be devised to mediate possible differences of opinion in such an evaluation of probation personnel.

Administration of the statewide probation system should rest with the Youth Services Division of the Department of Human Resources.

A task force at the level of the State Crime Commission, the Department of Human Resources, and the Georgia Council of Juvenile Court Judges should be formed to establish standards for recruitment and training of probation workers.

The task force should also establish standards for provision of probation services. The task force should include design of a method for periodic evaluation of probation services so that enforcement of standards can be assured.

JUVENILE PAROLE PRACTICES PHASE I

FINDINGS

In general, the decision to release a youth from a juvenile incarceration institution is made by the director of each institution. Except where serious offenders are being considered, there is no independent review of these release decisions. Consequently, there is no assurance that each juvenile gets fair consideration or that the public is protected from the premature release of juveniles to relieve overcrowded institutions.

The Department of Human Resources has the total release authority over juveniles who have been committed to the Department and incarcerated. Departmental policies which govern institutional release procedures follow:

- A youth classified as a serious offender must remain in the physical custody of a youth development center for a minimum of one year. Time spent in a regional detention facility may be considered as part of the year spent in custody. When center staff wish to request release of a serious offender, approval must first be obtained from the center director. Center staff will then inform the committing judge in writing that such plans are under consideration, giving him sufficient time to express opinion or concern regarding the pending release. If the judge does not respond within a given time, it will be assumed that he has no objection to the aftercare plan. Aftercare plans will be reviewed by the Director of Youth Services, and the final decision to release will be made by the Director of Community Services. Release of a serious offender whose offense involved loss of life must be approved by the Board of Human Resources.
- Due to overcrowding in the youth development centers, certain youths are reviewed by center staff for release within the first sixty days of their admission to a center. These youths include all status offenders and, except for serious offenders, all first offenders and offenders for whom court service workers have requested early release. All other youths are reviewed for release after four months at a youth development center.
- If space in a youth development center is not available, a committed juvenile may serve his time of incarceration at a regional center. These regional centers are used mainly as detention rather than incarceration facilities. This decision is made by the juvenile's court service worker with the concurrence of the worker's supervisor. Approximately ten percent or 150 of the juvenile offenders whose plan of care involves incarceration remain in the regional youth development centers.
- After a juvenile is released from an institution, his court service worker has the authority to set conditions of aftercare, and require these conditions be met by the juvenile. The court service worker, with the approval from his supervisor, may return the child to a youth development center for a violation of aftercare rules. The juvenile does not have the rights accorded an adult in parole revocation, such as the right to a fair hearing, representation by legal counsel, written notice of the charges, cross examination of witnesses, and the opportunity to explain his conduct to an impartial hearing officer. During fiscal year 1974 there were 140 juveniles returned to youth development centers for violations of their aftercare rules. These juveniles were not charged with crimes and court proceedings were not required to return them to an institution.

During fiscal year 1974 there were 1,650 juveniles released from the youth development centers and 150 released from regional youth development centers. Although all centers follow Youth Services policy on early releases and length of stay for serious offenders, these centers do not have written release procedures and each institution operates independently. Furthermore, no written criteria exist as to what constitutes readiness for release.

In all facilities the center director signs the release form for the Director of Youth Services. This form serves to indicate any changes in the plan of care for a committed juvenile, such as release from a youth development center to an aftercare plan or termination of custody. It does not contain any comments by institutional staff or indicate any reasons for the change. A copy of the release form is forwarded to the Youth Services Division, central office, for filing. In a particularly difficult case, this office's program director assigned to the youth development center may become involved in the release decision. This, however, is not a routine procedure. The central office does not receive information on juveniles whose release recommendations are negative. There are no appeals procedures for juveniles who have been denied release from youth development centers.

RECOMMENDED STANDARDS

A three member Release Review Board should be established within the Department of Human Resources. The Release Review Board members should be appointed by and report to the Board of Human Resources. This would allow for maximum autonomy in decision making.

Board responsibilities should be to:

- Review and approve all release recommendations, both for and against release, from the institutions.
- Visit the institutions for on-site review when such is warranted by a sensitive case.

- Maintain a follow-up system to assure that cases are reviewed at the appropriate time.
- Base release decisions on the uniform release criteria to be developed by the Department.
- Forward recommendations on actions pertaining to serious offenders to the appropriate higher authority.
- Review and approve all recommendations from the field on revocation.
- Notify the committing court when a juvenile is being considered for release.

In addition, the Department of Human Resources should develop uniform release procedures for use by all youth development centers.

JAIL STANDARDS PHASE I, II

FINDINGS

Georgia's present standards for the safe and humane operation of jails and prisons fall short of those minimum standards proposed by leading national correctional authorities and by the federal courts. In addition, the standards currently provided by Georgia law and regulation are not adequately enforced; almost ninety percent of all local jails fall short of fire safety standards alone. Finally, the legal remedies available to those injured because of substandard jails and prison conditions are inadequate.

Despite the fact that Georgia, since its earliest days, has sought by various means to protect persons held in jail, the conditions in many of the over 150 county jails and 220 municipal jails are a disgrace. Eighty-six percent of these jails have not met the basic safety requirements of the State Fire Marshal and 59 percent do not meet the minimum health and sanitation requirements set by the Department of Human Resources. These requirements are not new; they existed prior to the enactment of the "Minimum Jail Standards Act" in 1973, which specifically required that jails be inspected and that they meet fire safety, health and sanitation standards. Even though the Minimum Jail Standards Act represents a significant improvement over previous laws in this area, it does not provide guidance in several critical areas identified by national correctional authorities and by the federal courts. Also, several of the standards adopted under the present law do not meet national requirements.

Although local governments are directly responsible for the conditions in their jails, the state must also bear part of the responsibility since the state agencies charged by law with inspecting jails have failed to adequately enforce these laws. This failure can in part be traced to the fragmentation of inspection and enforcement responsibility between the Fire Marshall and the Department of Human Resources such that neither is completely responsible for coordination or enforcement. At the same time, the state has weakened the incentive for local governments to maintain safe and sanitary jails and to protect prisoners from abuse by granting counties and municipalities immunity from civil suit.

In defending their failure to enforce jail standards, the state agencies point out that local communities would have no alternative places to house their prisoners if the local jails were closed. Local communities, on the other hand, maintain that they do not have sufficient financial resources to correct many of their jail deficiencies.

Finally, it should be noted that while the law provides minimum standards for local jails, it does not apply to the state penal system or the county correctional institutions.

RECOMMENDED STANDARDS

The Commission recommends that minimum jail standards be applied to all facilities and institutions used for the incarceration or detention of adults.

The Commission also recommends that the Department of Human Resources be required to establish and enforce recreational program standards and to revise its current regulations to upgrade the lighting standards. In addition, the Department of Human Resources should require that medical personnel be supervised by a physician and that inmates have access to public health facilities as necessary. Finally, the Department of Human Resources should revise and reissue its minimum jail standards in accordance with the Administrative Procedures Act.

Inspections by paid outside consultants should be permitted in areas where state expertise is weak or lacking. Consideration should be given to having the entire inspection program evaluated periodically by an outside party.

Legislation should be enacted in 1976 to remedy enforcement defects in the Jail Standards Act and provide for enforcement of the standard that juveniles detained in an adult facility should be housed in quarters separate and apart from adults.

The misdemeanor penalty currently provided should be eliminated and replaced with the following:

- After the Department of Human Resources or the State Fire Marshall inspects a jail facility and finds it to be deficient, it shall be the duty of both bodies to give written notice to the person or persons responsible for said facility as to what the deficiencies are and what actions would be necessary to bring them into compliance with the Jail Standards Act. Such corrective

action should be accomplished within a reasonable period of time not to exceed one year. After one year, the facility shall be reinspected and if found to be deficient for the same reasons, the Department of Human Resources or the State Fire Marshal shall notify the Governor's office of said deficiencies within one calendar week after the reinspection. Upon notification by the Department of Human Resources or the State Fire Marshal, the Governor shall be authorized to transfer inmates out of the sub-standard facility, and bar it from further use until such time as it complies with the Jail Standard Act.

- In 1977, the Governor should appoint an intergovernmental local jail improvement task force to develop standards for local jail planning and programs and a plan for implementing those standards over a five year period. This task force should include membership from the Georgia Sheriff's Association, the Georgia Chiefs of Police Association, the Georgia Municipal Association, the Georgia Association of County Commissioners, the General Assembly, the Department of Human Resources, the Department of Offender Rehabilitation, and the State Crime Commission, with the State Crime Commission being responsible for coordinating the efforts of the task force. Areas in which standards should be developed include jail management and administration, intake services and procedures, admission processing, classification, detention rules and regulations, visiting hours, sick call procedures, educational and vocational programs, work release programs, and recreation activities. The executive order creating this body should call for it to stand abolished no more than 12 months after its creation. During the course of its life, this body should develop standards in the above mentioned areas and a plan to implement them within five years. This body should also explore the concept of regional jails as a means of reducing costs and facilitating administration.
- Persons who have been injured while confined in a penal or detention facility operated by the state or its political subdivision should be allowed, under limited circumstances, to recover damages from the governmental unit that operates the facility. The maximum amount of liability should be fixed by law. The two circumstances under which governmental immunity would be removed are as follows:
  1. Where an employee of that governmental unit willfully injured the inmate.
  2. Where the injury directly resulted from a failure to comply with the state's minimum jail standards as long as that failure had been made known to the governmental unit in charge of the facility.

If the pending Constitutional amendment is ratified which creates a Court of Claims, damage suits of jail inmates, as well as inmates of state and county correctional institutions, should be processed by that court.

PRESENTENCE RELEASE PROGRAMS PHASE I

FINDINGS

Diversion and pretrial release are two recent innovations in the criminal justice field which attempt to minimize the unnecessary exposure of non-serious offenders to the harmful effects of jails and prisons. Although these programs appear to have been successful in reducing the recidivism rate in other states, Georgia's efforts in these areas have been limited to two pilot projects.

At the present time, the treatment options available to persons in presentence status are provided through either diversion or pretrial release programs. A diversion program attempts to intervene in a case prior to trial and offers a defendant the opportunity to participate in a special community-based rehabilitation program tailored to his individual needs. When the person successfully completes the program, the prosecutor will consider dropping the charges against him. Pretrial release programs have as their primary goals the release of persons detained while awaiting trial and their later appearance at trial. The release programs try to arrange the release of persons awaiting trial who do not present a great danger to society and who cannot make bail. Release programs often will find jobs for individuals while they are awaiting trial, and counseling services are usually provided. Some release programs also make referrals to special community-based treatment options.

The traditional system of releasing persons awaiting trial is posting money bail. In theory, the primary purpose of bails is to ensure the appearance at trial of the accused. In practice, money bail makes pretrial release dependent upon the financial resources of the defendant rather than upon the risk of non-appearance. This is unsatisfactory from the public's and the defendant's point of view. It is virtually impossible to translate the risk of flight into dollars and cents. Moreover, when bail is finally set, it is usually determined through a haphazard and mechanical fashion in which the criminal charge rather than the defendant's stability and community ties dictates the amount of bail. Bail studies show that approximately fifty percent of the urban accused are unable to make money bail at even the most modest levels, and consequently the impoverished defendant is jailed prior to trial, not because he is more likely to flee, but simply because he is poor.

The professional bondsman has emerged to meet the needs of accused persons who cannot make bail because they lack the cash or real estate. For the vast numbers who are unable to make bail, the professional bondsman is available twenty-four hours a day to secure their freedom for a price. It is the bondsman's responsibility to see that the defendant appears for trial, and to this end, he is supposed to maintain close contact with the defendant in order to deter his flight.

The bondsman's decision to act as surety is based solely on monetary considerations, and not upon the accused's likelihood to return for trial.

Georgia continues to rely almost exclusively on the traditional system of money bail. State law does allow release on personal recognizance, but it contains no conditions for this non-monetary release. In fact, failure to appear is not a crime and the only penalty for bail jumping is forfeiture of the bond.

Information relevant to the pretrial release decision must be gathered and presented to an officer authorized to set bail in order for him to make an intelligent bail decision. Facts that are relevant to the bail decision are those which relate to the accused's likelihood of appearing for trial. Experiments show that an accused's stability and roots in the community are the most important factors in determining his likelihood to appear for trial.

Pretrial diversion is a procedure authorized by legislation, court rule or prosecutorial initiative. Under such a procedure persons who are accused of certain criminal offenses and who meet preestablished criteria have their prosecution suspended for a specified period of time and are placed in a community-based rehabilitation program. Diversion is a treatment process for offenders that differs from traditional criminal justice programs because it comes before, rather than after, conviction. Its goals are: to unburden court dockets and thereby conserve judicial resources for more serious offenses, to reduce the incidence of offender recidivism by providing alternatives to incarceration, and to benefit society by training and placing previously unemployed persons in jobs. The major goal, however, is to reduce the number of individuals whose first criminal offense will start a pattern of continued criminal behavior.

Diversion is the prosecutor's agreement not to prosecute, contingent on the defendant's successful completion of a rehabilitative program. The prosecutor's decision concerning diversion is often based on factors wholly apart from the sufficiency of the evidence. Because the decision is made informally, it is usually not visible to the public and not subject to control which would follow legislative authorization or court rule. There are currently 89 pretrial release programs and 46 diversion programs in operation in seventeen states throughout the United States. In a survey of all of the release programs and 28 of the diversion programs, it was reported that eighteen percent of the diversion programs are part of a probation or parole agency, while five percent are court administered through the prosecutor's office. Between fifteen percent and thirty percent of the pretrial release programs are administered by the court. Because each diversion program offers different services, each maintains its own criteria for selecting participants.

Because the function of eligibility criteria is to select from the total number of criminal defendants a smaller number who will be allowed to participate in diversion, there is a question whether those excluded by criteria have been arbitrarily denied equal protection of the laws. The equal protection clause of the Fourteenth Amendment does not require that all persons be treated equally by the law, but does require that any distinctions between persons made by the law have some relation to the purpose for which the law was enacted. If the law affects the exercise of a fundamental constitutional right or makes a distinction based on race, religion or wealth, then the law must be supported by a compelling state interest. On the other hand, where fundamental rights are not present and there is no arbitrary classification, the state need demonstrate only that the law promotes a rational state interest.

Consideration also must be given to other constitutional safeguards concerning the procedures utilized in a diversion program. A criminal defendant who participates in a diversion program necessarily foregoes his right to trial and to the constitutional safeguards that surround that right. In order to assure that the defendant is not arbitrarily denied his constitutional rights, his participation in a diversionary program must be preceded by waiver of certain constitutional rights, to include the right to a speedy trial, the right to the assistance of counsel and the right against self-incrimination.

Although no details are available on the method of gathering statistics or on the definition of recidivism used, most of the pretrial diversion programs have indicated a recidivism rate of less than ten percent. Pretrial release programs can be found throughout the country and in some instances appear to be more successful than the traditional bail system in assuring appearance at trial.

There are presently two major presentence service programs operating in Georgia. One is the Atlanta Pretrial Intervention Project which became operational in July, 1972. The project was established by the U.S. and Georgia Departments of Labor and operates within the court system of Fulton County. The project has screeners who review the arrest records each day. If an individual meets the basic eligibility requirements, he is then interviewed and told about the project. If the person desires to be in the project and the District Attorney's office approves, the defendant signs a waiver of speedy trial and is told that charges may be dropped if he successfully completes the program. The prosecutor then formally agrees not to seek an indictment. An individual is sent to the project for ninety days with one thirty-day extension allowed.

The Atlanta project assigns counselors to offenders at the time they enter the program. The counselor determines the participant's needs and designs a personalized program

which may secure training, education or employment for each individual. The project has its own job development unit which performs job placement. Counseling and educational services are mostly provided in-house; however, referrals to community facilities are made. Since the program began, 52 percent of all participants received in-house educational instruction and 21 percent were placed in outside educational programs. Atlanta's diversion program has been completed by 75 percent of the people who started it, and the charges against them were dropped. As of June 15, 1974, 420 persons had completed the program since January 1, 1974.

The other major presentence service program in Georgia is the Cobb Judicial Circuit's Pretrial Court Services Agency. This agency was started by the Cobb County Superior Court and has a staff of five. Arrested persons are contacted at the initial appearance where they are told that if they cannot or do not want to make bail, then they can participate in the pretrial release program. Screeners conduct an interview and background check on each individual, and this information is presented to the judge so that he can decide whether to reduce bond or merely release an individual on condition that he accept the supervision of the court services agency. Participants in this program are helped in finding employment, and people with special mental or physical problems are referred to the Cobb County Health Department. Since its inception in August, 1973, the pretrial release program has had only six percent of the releases fail to appear for trial, while traditional bond releases failed to appear twenty percent of the time. The project reports on the actions of the releasee during his release period, and the judge takes this into consideration in sentencing if the releasee is convicted.

Throughout the state, there is some informal diversion of drug abusers and alcoholics to drug and alcohol treatment centers by prosecutors, but there is no prescribed procedure for this "informal diversion." Similarly, no standard procedure is used throughout the state to refer accused persons to rehabilitative services available through the Vocational Rehabilitation program and the State Department of Education.

RECOMMENDED STANDARDS

Enabling legislation should be enacted to provide that:

- A variety of alternatives to the detention of persons awaiting trial be authorized. Release on personal recognizance or execution of an unsecured appearance bond should be used wherever possible. Additional conditions may be authorized where necessary, but non-monetary conditions short of detention are preferred to money bail.
- Under no circumstances should any person be allowed to act as surety for compensation.
- Any conditions imposed upon a person's pretrial release should be the least onerous that are reasonably designed to assure the appearance of the accused at trial.

Broad and general criteria should be used as guidelines which thereby leave to the individual diversion program specific eligibility criteria. This approach recognizes that any set of eligibility criteria must be tailored to a particular program. Diversionary treatment should be available for first offenders and others where the prospects for successful rehabilitation warrant. Further, consideration as to whether or not to divert, should include such factors as:

- The potential punishment in the case of conviction.
- Whether the crime involved violence against another.
- Whether a weapon was involved.
- The potential impact of noncriminal disposition on the victim and his family.
- Possible deterrent effect through automatic prosecution.
- Public response to a policy of noncriminal disposition. It is recommended that this determination be made for each substantive offense in order to equalize and standardize selection criteria to the greatest possible extent.

A decision to divert an individual should be made as soon as possible after arrest. This legislation should establish a comprehensive statewide presentence services program under the Administrative Office of the Courts, Judicial Council.

The Governor should request that the Judicial Council establish an advisory board on presentence programs composed of representative judges, district attorneys and defense attorneys as well as personnel experienced in corrections, mental health and vocational rehabilitation.

The Administrative Office of the Courts, with the approval of the superior court judge in the respective judicial circuits, should employ persons to perform screening, counseling and treatment referral functions. These persons should be assigned to judicial circuits on a basis of caseload needs.

Implementation of this program should be done in three phases:

- Phase I should institute pretrial release on a statewide basis. This facet of the program will only require screeners and counselors and could be started immediately.
- Phase II should establish pilot diversion programs in four judicial circuits. The four circuits selected should be different in population density and geographic location.

- Phase III should implement a complete and comprehensive presentence services program utilizing available community treatment resources in each judicial circuit in the state.

OFFENDER CLASSIFICATION PHASE II

FINDINGS

Classification of offenders, as required by law, is based upon clearly identifiable characteristics, such as age, sex, sentence, crime of conviction, and number of previous convictions. Diagnosis of offenders is sometimes required by law and generally refers to identification of characteristics of offenders which are at least potentially related to criminal behavior. This may define offenders' needs for security, placement, and management, and may permit specific remedial action to reduce future criminal behavior. Although the Department of Corrections and Offender Rehabilitation (DCOR) currently conducts systematic and objective diagnostic evaluations of all incoming offenders, there is limited use of this information. Community-based diagnostic services are almost non-existent.

Three institutional diagnostic and classification facilities are operated by DCOR in which a classification committee makes several recommendations regarding institutional placement based on data obtained through various diagnostic methods. Severe overcrowding, in many instances, has limited actual placement to bed space availability. One study, however, indicated that only 18 percent of offenders in institutions which offered one or more of the recommended programs were actually assigned to them. This may be due to inadequate training on the part of the counselors, or perhaps to a management problem.

The community based diagnostic centers are operated by DCOR, and plans have been made to open four more centers by fiscal year 1976. A barrier to Statewide community based diagnostic services exists, since Georgia is a large state with few population centers.

Another problem stems from DCOR's new emphasis upon inmate performance as a method of earning release from incarceration. The Youthful Offender Act of 1972, the Adult Offender Act of 1975, and the department's new programs all emphasize inmate participation in planning and demonstrating "responsible behavior" for an individual offender. How he may work to achieve such a goal requires joint use of diagnostic information by the inmate and his counselor.

Such use of diagnostic data requires two features not currently a part of the Georgia system. One is communication of diagnostic findings to the inmate; the other is periodic reassessment so the inmate and his counselor may monitor progress. Both of these steps require counselor training and supervision greater than is now available.

RECOMMENDED STANDARDS

The Department of Corrections/Offender Rehabilitation should immediately begin to identify staff training needs on the use of available diagnostic and classification data by institutional personnel. To insure achievement of department-wide diagnostic information usage, the position of statewide diagnostic coordinator should be upgraded to a merit system paygrade 21 — the professional level of qualification necessary to manage diagnostic information usage on a department-wide basis. The position should be filled immediately to help identify needed staff training.

The individual filling this position should be responsible directly to the Commissioner for effective use of diagnostic and classification data within such limits as may be imposed by security and budget so that:

- Inmates go to institutions that reasonably match their classification;
- Inmates are given opportunities to participate in programs that match their needs;
- Needed programs are clearly identified for consideration as funding permits;
- Community and institutional staff training needs are identified and appropriate training instituted;
- Unmet diagnostic and classification needs are identified and, following suitable research, provided.

Diagnostic information should be communicated to the offender so that he and the appropriate counselor or probation officer can use the information in planning positive programs.

Diagnostic and classification services should be concentrated in the sentencing community and used for presentence reporting so that judges, at their discretion, may fully explore various alternatives. The same information may form basic data for inmate assignment when incarceration results. Information developed can thus include both social and family investigations conducted by probation, parole and court officers and by the psychological/vocational medical assessment system currently used at diagnostic centers.

Community-based diagnostic services are now being developed in order to assure productive sentence disposition. The Department should pace this development through strategic shifts of emphasis and funding, taking advantage of those instances where communities are ready and able to provide some resources. As community-based diagnostic services become available in larger cities, DCOR

should begin to shift remaining intake classification/ diagnostic procedures to the sentencing community by transition of funds and personnel.

COMMUNITY CENTER ALTERNATIVES TO INCARCERATION PHASE I, II

FINDINGS

There are approximately 12,000 prisoners housed in Georgia prisons which were designed to accommodate only approximately 6,000 inmates. Alternatives to incarceration provide a means for reducing the prison population. Georgia is progressive in its use of alternatives to incarceration; however, changes are required to more efficiently use these alternatives.

Under present law, the sentencing judge in Georgia has several options when he imposes a prison sentence on an adult offender:

- Suspension of sentence with no supervision.
- Probation and release in the community.
- Commitment to a halfway house as a condition of probation if a halfway house is available to that particular judge.
- Commitment to prison.

Since suspension of a sentence occurs infrequently, probation to a community center or to community supervision is the most widely used alternative to prison.

Georgia presently has fifteen community based correctional facilities which provide alternatives to incarceration. These include four adjustment centers and eight restitution centers (four of which are adjustment/restitution centers) as well as a women's work release center, a drug release center and two discretionary grant (Impact) research centers. The combined total capacity of these community centers is 757.

The purpose of an adjustment center is to provide an alternative which falls between probation and imprisonment. After placement in an adjustment center and after investigations, tests and other evaluation activity indicate good chances for successful performance, the offender enters into a performance contract. The center assists the offender in fulfilling his part of the agreement. Failure to evidence adjustment may subject the person to imprisonment.

Restitution is used most often for property offenses, but it is used also for nonproperty offenses. Where financial restitution cannot be made due to indigence or excessive damages, or inappropriateness to the crime committed, symbolic restitution has been used as an alternative. Symbolic restitution has been used in conjunction with financial restitution. Symbolic restitution may consist of services rendered to the victim such as home maintenance or unpaid work in a productive community setting such as hospitals, churches, nursing homes, and children's homes.

While at a restitution center, the offender works in an "outside" job, makes restitution to the victim of his crime, and contributes to the cost of his upkeep. If he is not employed before sentencing, the Department of Labor offers assistance in finding him employment.

Rehabilitative services are offered to inmates at community centers by various state and private agencies on an informal basis. Counseling is offered, and volunteer groups are actively involved with the centers.

RECOMMENDED STANDARDS

Funding should be made available for additional community corrective centers. Although a community based center should be located in each of the forty-two judicial circuits, at least twelve additional community based houses should be provided to sentencing courts on a regional basis. Offenders probated to the centers would live in and work out of these houses. These probationers would ordinarily have been sent to prison if this alternative was not available. Types of houses would include:

- *General halfway houses* – These houses would be for those offenders who do not have special adjustment problems, but who need the structure of such an environment plus the treatment program which would include individual and group counseling, job assistance and help with practical everyday life problems.
- *Restitution Centers* – These houses would be for those offenders who cannot make restitution to the injured party in one payment. Money to pay restitution to the victim of the offense would be withheld from the earnings of the resident and paid to the victim.
- *Special Adjustment Houses* – These houses would be for offenders who have a special problem, such as alcoholism, or for offenders of a similar type, such as sex violators.
- *Work-Study Houses* – These houses would be for serious offenders who would be incarcerated for relatively short periods of time, such as one to three months, and given intensive individual and group therapy. Then they would be released to a job in the community. Thereafter, periodically, such as one day a week or three consecutive days a month, the offender would return to his halfway house to continue his treatment services.

The Department of Corrections/Offender Rehabilitation should immediately begin a study to determine the best locations for the needed additional community halfway

houses, personnel needed, costs, best means of financing, and other related factors.

The determination of restitution to victims should be entertained within the scope of the criminal proceedings. The criminal court which processes the criminal case should determine the restitution. Where the offender's financial condition does not permit financial restitution, the judge should consider imposing a sentence of symbolic restitution.

ADULT PAROLE/PROBATION PRACTICES PHASE II

FINDINGS

Problems identified in the area of probation and parole services are urgent. The ratio of offenders to probation/parole supervisors has reached the point where offenders' needs for time and attention are acute. Several counties operate probation systems independent of the state system that is administered by the Department of Corrections/Offender Rehabilitation (DCOR). These independent systems have varying pay scales, educational requirements, and workloads.

The importance of probation systems is indicated in several studies that tend to show that offenders who receive probation or parole supervision have a better chance of not being rearrested, or having their paroles or probations revoked, than those who "max-out" after incarceration and receive no supervision. Probation is also much less expensive than incarceration. The annual cost of supervising an offender in the the community is $250.00, a savings of $3,450.00 for each offender not incarcerated.

Probation services in Georgia currently are not unified. Misdemeanants in seven counties and felons in two counties are not within the purview of DCOR. Only two of these independent systems have merit systems. Some of the county systems require college degrees of supervisors, and some do not. Caseload averages range from 200 in one county to 1400 in another, while the state system has only 237 supervisors to serve approximately 28,000 offenders.

Currently, the Department of Corrections/Offender Rehabilitation is considering a "Performance Earned Release Model" (PERM) which, in the words of the Commissioner of Corrections is a compendium of methods derived by looking "at what other states and countries are doing and selecting the best from each." In this correctional model the responsibility for behavior change would be shifted from correctional managers to the offenders who would be required "to work (their) way out of the system."

The approaches of this model were tested under the Youthful Offender Act utilizing a method whereby an offender enters into a three-party contract (offender, DCOR, and the Board of Pardons and Paroles). Through this system an offender earns his release. After three years experience, 659 have been released and of these only nine percent had their conditional releases revoked. This figure included technical violations of release conditions; the actual rate of return to crime is described as less than five percent.

The "PERM" model, as described in a recent pamphlet published by the Department of Corrections/Offender Rehabilitation would require monitoring and cooperation by the Board of Pardons and Paroles and DCOR.

RECOMMENDED STANDARDS

The 1976 General Assembly should enact legislation to ensure the gradual inclusion of the independent county probation and parole services into the Department of Corrections/Offender Rehabilitation. This legislation should provide for a timetable for inclusion of the independent systems and should insure that the newly acquired employees be paid at the salary levels formerly provided by the independent systems. These positions should be exempted from the State Merit System until they are vacated by incumbents. The State Merit System should, in 1976, prepare to classify these positions and fill them with merit system eligible candidates as they are vacated by the current incumbents.

By 1977, DCOR should be provided with sufficient probation/parole supervisors to bring caseloads down to 50 workload units per office. The State Merit System, in cooperation with DCOR should, by July, 1976, establish a two-track career ladder for probation/parole supervisors so that supervisors would be able to progress into higher paygrade levels regardless of whether they remain in offender supervision or assume administrative positions. The minimum requirement for new supervisors should be a bachelors degree in social work, corrections, counseling, psychology or other relevant fields and a year of experience. Furthermore, probation officers should act as resource brokers in order to secure public and private services for their clients.

In addition, the State Merit System should, by July 1976, increase entry level salaries for Probation/Parole Supervisors to $8,952 (Pay Grade Level 15) with concurrent increases of Pay Grades 15, 16 and 17 to the next levels.

The Department of Corrections/Offender Rehabilitation should, by January, 1976, establish its PERM model as a

pilot project with the Board of Pardons and Paroles acting as a third party to contracts between offenders and DCOR.

A new category of intensive probation supervision should be introduced. This new category should be known as strict control probation. Each probationer who is placed under this supervision category must report to his supervisor, or the supervisor's designee, as frequently as daily or as infrequently as weekly. The probationer must give an account of his daily activities since his last report. Probationers assigned to strict control would be offenders who would be sent to prison if this program was not available.

By January, 1979, a recidivism rate based on the National Advisory Commission's Corrections standard (15.5), should be calculated for the entire PERM model. Following that a three-year evaluation should be undertaken and in 1982, if that evaluation demonstrates PERM to be effective, it should gradually be phased into the statewide systems as resources are available. The Board of Pardons and Paroles should cooperate in this endeavor. With regard to probationers, the performance contracts should be between the probationer and DCOR in light of the requirements set forth by the sentencing judge.

ADULT INSTITUTIONAL FACILITIES PHASE II

FINDINGS

The Department of Corrections and Offender Rehabilitation (DCOR) has established standards for new construction and standards for continued operation of existing facilities. While these are objective standards that provide a reasonable definition for overcrowding, there is no method of enforcement. This lack of enforcement has resulted in one-half of the correctional institutions housing inmates in dormitories that provide less than the minimum DCOR standard of forty square feet per person.

The number of inmates in state correctional institutions at any given time is a direct result of many factors – the commitment rate by the courts, length of sentence, available alternatives to institutional commitment, corrections policies of DCOR, and parole policy. The condition of overcrowding can be solved by construction of more facilities or by policy change in sentencing practices.

In spite of DCOR, or other recognized standards for inmate personal living space, there is nothing stronger than a guideline to prevent overcrowding. A court ruling could immediately change this situation, however. There are many precedents; under three separate court rulings, Florida, Louisiana and Alabama have been ordered to relieve overcrowded conditions.

While many states actually reduced the number of inmates in correctional institutions from 1971 to 1974, Georgia's inmate population continued to increase. Existing facilities are clearly overcrowded. As of August 20, 1975, there were 8,095 inmates in 16 state correctional institutions. DCOR Facilities Standards established an "acceptable capacity" as one inmate per cell; or a minimum of 56 square feet per inmate in dormitory areas. According to this standard, the maximum capacity of existing facilities is 6,149 inmates.

Current and proposed new construction for Georgia's correctional institutions through 1980 will not alter the condition of overcrowding. If population projections are accurate, the new construction will just provide overcrowded conditions for more inmates – generally by placing two inmates in private cells or rooms.

RECOMMENDED STANDARDS

Adult correctional institutions should be designed and constructed according to DCOR Facilities Standards. Compliance should be achieved by December, 1979.

The Georgia General Assembly should enact legislation to define standards for inmate assignment capacity for adult correctional institutions and provide for enforcement of these standards. Each institution should have a Standard Capacity and an Emergency Capacity. The definition for Standard Capacity is one inmate per room or cell, or for dormitory space, a minimum of 56 square feet net living area per inmate. The definition for Emergency Capacity is one inmate per room or cell, or for dormitory space, a minimum of 40 square feet net living area per inmate.

The legislation should provide that the condition of Emergency Capacity should not occur more than twenty percent of the time on a six-month basis (i.e., 37 days in every six month review period). At all other times, the Standard Capacity should be maintained as the maximum inmate population for each institution.

INSTITUTIONAL TREATMENT PROGRAMS PHASE II

FINDINGS

That Georgia's correctional institutions are faced with a crisis of unprecedented proportions is undisputed. Georgia has the highest per capita ratio of incarcerated offenders of any state: over 200 offenders per 100,000 population. These prisoners, numbering approximately 12,000 are crowded into 16 state and 38 County Correctional Institutions (CCIs) which were designed to house only 9,137 incarcerants. If present trends continue, the Department of Corrections and Offender Rehabilitation (DCOR) projects

that by mid-1978, 16,442 persons will be committed to state and county prisons, each of whom presently costs the state approximately $3,700 per year.

In addition, institutional efforts to prevent these prisoners from returning to lives of crime so far have failed to demonstrate effectiveness. Georgia has a recidivism rate of 53 percent, meaning that 53 out of every 100 prisoners released from Georgia institutions will be re-arrested and later convicted, or have their paroles revoked, within three years of their release date.

Institutional programs designed to rehabilitate prisoners are numerous and varied, although plagued by serious staffing and facility limitations. These programs include sophisticated diagnosis and classification capability, counseling, educational and vocational services, recreational programs, alcohol and drug treatment facilities, religious services, correctional industries, and others. These services are extremely limited in scope. For example, only one part-time psychiatrist is expected to serve approximately 12,000 offenders. If the 72 counselors currently employed were to counsel each offender the maximum time, the offender would receive less than 30 minutes of counseling. Rehabilitation programs are simply inaccessible to large numbers of offenders, and the research which tested the effectiveness of such programs nationwide consistently fails to show they have any significant effect in reducing recidivism rates.

A new philosophy recently adopted within DCOR includes a program to make the offender responsible for earning, through appropriate behavior, his release from institutions. Offenders would progress through several stages of a Performance Earned Release Model (PERM) in which they consistently must meet established performance criteria for work, vocational training and/or education. Movement through the stages is based on individual plans drawn up by offenders and their counselors to meet particular needs. At each successive stage, offenders earn additional time off from their sentences in institutions. The model follows through with intensive community supervision after offenders are released from prison.

RECOMMENDED STANDARDS

DCOR should establish the institutional component of the PERM as a pilot project in at least two locations. The Board of Pardons and Paroles should act as a third party to the treatment-release contracts between DCOR and offenders and the Board should retain its position as the final release authority. The pilot project should be conducted for six years, which would allow for a period of three years to initially test operations and for an additional three years of follow-up on persons released under the program. This model should be tested on inmates sentenced under the Youthful Offender Act and the Adult Offender Act of 1975.

DCOR should seek financial support through the Law Enforcement Assistance Administration discretionary grant program. In addition, DCOR should insure that all rehabilitation programs necessary to test efficiency of the PERM model are in place, and fully staffed, before pilot projects begin at the institutions chosen for testing the model.

INSTITUTIONAL TREATMENT PROGRAMS FOR WOMEN PHASE I

FINDINGS

Presently there are approximately 300 women incarcerated at Georgia Rehabilitation Center for Women in Milledgeville. The building is old, overcrowded, in a serious state of disrepair and a fire hazard. Consequently, the present facility poses a severe threat to the well-being of the inmates incarcerated there. Although a new women's prison is under construction, it will be inadequate to handle the present inmate population. Also, the Department of Corrections/Offender Rehabilitation is subject to legal action which could result in a court order to release the inmates or transfer them to a facility which meets acceptable standards.

The women's prison is severely understaffed in all areas. Only 42 correctional officers and three counselors are assigned there by the Department of Corrections/Offender Rehabilitation, although three additional counselors are provided through federal grants. This results in a staff-inmate ratio of 1:7, about half that recommended by the U.S. Bureau of Prisons. In addition, there is only one recreation director and two teachers. Medical services are provided through Central State Hospital; however, there are no full-time doctors or nurses assigned to the women's prison. Treatment and rehabilitative services must necessarily be held to a minimum.

Several deficiencies have been identified in Georgia's institutional treatment program for women:

- Of the present population at the women's prison, it is estimated that approximately 75 percent could be released from incarceration and placed under community treatment.
- The present facility is not conducive to rehabilitation due to the inadequacies of the building, the overcrowding, the isolated location and the lack of adequate community resources.
- The lack of a diagnostic and classification process for women seriously impedes rehabilitative efforts as individual programmatic needs are not identified.
- The new prison for women presently under construction will also be inadequate. Designed for a capacity of 150, it

will likewise be overcrowded. Moreover, being located in Milledgeville, the women will remain isolated from their families and adequate community resources.

RECOMMENDED STANDARDS

The Commission recommends that state funds be appropriated to temporarily make the new prison in Milledgeville a Women's Diagnostic and Classification Center as well as a prison for serious women offenders. In addition, monies should be made available to open seven community treatment centers with qualified staff and varied rehabilitative programs in the six major urban areas, with two centers to be located in Atlanta. Finally, plans should be established by the Department of Corrections/Offender Rehabilitation to build a new prison for women in Atlanta, to eventually take over the functions of the Milledgeville institution.

OFFENDER RIGHTS PHASE II

FINDINGS

In Georgia there is no comprehensive policy or legislation endorsing all rights available to prisoners in state institutions. Furthermore, where some of these rights are officially advocated, there is no mechanism, other than the courts, to guarantee their enforcement.

As a result of the courts' more active role in the area of prison administration, many prison officials have been under pressure to ensure that an inmate's basic constitutional rights are not infringed upon. These rights include, but are not limited to:

- The right of access to the courts, which includes the right of access to legal services and materials;
- The right to be protected from personal abuse which would constitute cruel and unusual punishment;
- The right to be protected against unreasonable prison searches and seizures;
- The right to be free from racial and religious discrimination;
- The right to due process in the enforcement of conduct rules at disciplinary proceedings;
- The right to free expression and association; and
- The right to seek remedies for the violation of an inmate's rights.

Georgia's Department of Corrections and Offender Rehabilitation (DCOR) operates a Prisoner Legal Assistance Project in conjunction with the University of Georgia Law School. However, it is felt the current available staff is not sufficient to meet demand for such services.

One of the major obstacles to adequate inmate access to legal services in Georgia is the lack of a useful law library to any institution.

Personal abuse of inmates is contrary to DCOR policy which forbids willful or negligent acts that impair the health of inmates. Such abuse is also contrary to the Georgia Constitution which prohibits the abuse of any person while arrested or in prison. The Department admits that there is some abuse of inmates in Georgia prisons, but it claims that because of annual correctional staff evaluation such abuse is not widespread.

There is no specific provision in Georgia law or in the DCOR rules and regulations which proscribes racial or religious discrimination. However general departmental policy is that there be no such discrimination.

Georgia currently has not set guidelines for prison searches and no protection for the inmate exists in this regard.

There seems to be no major abridgement of an inmate's First Amendment rights to free speech. There is little censorship of printed matter which enters institutions. Incoming mail is opened and checked for contraband, but is not read.

Georgia is currently using two grievance methods. At Georgia State Prisons there is an investigation of grievances and a four-step administrative review process. The other state institutions are planning on adopting this procedure, but they currently can express grievances by writing a letter to the warden, commissioner, or other state official. Once a grievance is heard in DCOR through the formalized procedures, the inmate receiving an adverse response can bring an action in court in the nature of mandamus, or injunction against the Director of DCOR if the rules are violated.

The Department of Corrections and Offender Rehabilitation has rule-making authority under the Administrative Procedure Act. By virtue of this authority the department has established a conduct code, a copy of which is distributed to inmates. The Department has recently revised disciplinary procedure.

If an inmate's rights are violated by Georgia prison authorities, he can obtain relief in federal court without exhaustion of remedies in state court if cruel and unusual punishment is alleged. An inmate can also bring a tort action against prison officials under Georgia law in federal court.

RECOMMENDED STANDARDS

The State Crime Commission should evaluate the Prisoner's Legal Assistance Project and determine if the level of

service being provided is adequate, and if not, what level of service is required. The Department of Corrections and Offender Rehabilitation should develop specific published guidelines for conducting searches and seizures taking into consideration both the rights and safety of inmates and the security and safety of the institutions and their staff. Finally, DCOR should adopt more stringent selection and evaluation criteria for hiring new employees.

INMATE TRANSITIONAL PROGRAMS PHASE I

FINDINGS

Presently, there are few programs in operation in Georgia's prisons which assist inmates in making a successful transition from a prison environment to community life. This successful transition is one of the most important factors in reducing the present high recidivism rate in Georgia.

Virtually all of the national authorities on corrections agree that a prison environment has an adverse effect on an inmate's ability to successfully re-enter society upon release. Consequently, these authorities recommend that transitional programs be developed to assist the inmate in acquiring the job and social skills needed to support himself in a lawful manner. Although prerelease programs can be given in a prison, it is generally recommended that such programs be operated in transitional centers located in the community to which the inmate will return. In this way, the inmate could be helped to deal with actual, rather than simulated, problems in adjusting to community life.

Presently, there are no comprehensive statewide transitional programs in Georgia. However, there are several individual programs in operation at different correctional institutions which are described as follows:

- Work Release and Educational Release — The only present programs that offer the inmate the opportunity to function in the community are the work release and educational release programs. These programs are located in twelve institutions and in five community-based centers. Under these programs the inmate is allowed to leave the prison or community center in the morning, go to work or school in the community, and then return to confinement at night. In order for an inmate to be considered for these programs, he must be within two years of release, have a minimum security classification and not be serving a sentence for a crime of violence or sex offense.

  As of August, 1974, only 499 male and 46 female inmates out of a total of 10,000 were participating in work release or educational release programs in seventeen different locations in Georgia.

  Those inmates who are accepted into the work release program are required to pay $4.00 per day for their own subsistence. This money is then deposited in the State Treasury. Inmates on work release are able to send money to their dependents and establish savings accounts for use upon their release. Since they also pay state and federal income taxes, this program has been financially successful.

  A severe handicap to successful employment of inmates on work release as well as ex-offenders has been the state licensing restrictions. Currently Georgia has licensing restrictions on 53 occupations that prevent ex-offenders from engaging in many of the vocations for which they were trained while in prison, such as barbering and cosmetology.

- Prerelease Orientation Program — A prerelease orientation program was previously developed by the Department of Corrections/Offender Rehabilitation and implemented at Georgia Industrial Institute at Alto to teach the inmates to deal with living situations they had not encountered while in prison. However, due to severe overcrowding in the state prison system, the Pardons and Parole Board implemented early release policies and all the inmates in the prerelease program were released. Since that time there have not been enough eligible inmates to begin a new program, so it was temporarily discontinued. However, the Department of Corrections/Offender Rehabilitation does plan to implement this program again.

- Volunteers in Corrections Program — Another transitional program currently in operation is the Volunteers in Corrections/Offender Rehabilitation. In this program a volunteer is assigned to an inmate ninety days prior to release. During this time the volunteer continues the weekly contacts for ninety days to assist the individual with job placement, societal changes and money management. This pilot program was begun at Stone Mountain Correctional Institution and has resulted in the return of only four inmates out of the 104 who have been released in the past fourteen months. One reason for the effectiveness of this particular program is that most of the inmates at Stone Mountain are residents of Atlanta and the same volunteer can provide follow-up services after release, whereas in other institutions the inmate usually returns to a different city after release.

- Inmate Jaycee Chapters — Inmate Jaycee Chapters also provide transitional programs by following the man through release and providing a Jaycee contact in his home town to provide him with a positive contact to support and help him. Presently, there are five inmate Jaycee Chapters in state correctional institutions with membership of over 300 inmates. This particular program has been developed to extend across state lines.

- Labor Department Ex-Offender Program – The Georgia Department of Labor currently has job counselors located in six state institutions to assist the inmate in finding employment both while in prison and after release. A prerelease interview is held with each inmate before discharge and the information is sent to a job counselor who handles the Labor Department's Ex-Offender Employment Program in the inmate's home town. These counselors, in turn, work not only with the parolee but also with the parole officer and the Division of Vocational Rehabilitation in meeting the needs of the ex-offender.

  In addition, the Department of Labor also receives a ninety-day advance printout of releases monthly from the State Board of Corrections. Copies of this list are sent to offices all over the state so the office in the inmate's home town is notified in advance of his release. A letter is then sent to the inmate explaining the Ex-Offender Employment Program, together with an attached directory of contact persons in each city of the state.

  During Fiscal Year 1974 the Department of Offender Rehabilitation and State Board of Corrections released an average of 463 inmates per month from correctional institutions. Most of these inmates were released without any type of prerelease orientation training.

RECOMMENDED STANDARDS

The Commission recommends that selected inmates who can function in a community setting be assigned to a prerelease center in or near their home community three months prior to release. Based on the present rate of release, it is recommended that state funds be appropriated for twenty-four community-based prerelease centers in thirteen major population centers.

It is further recommended that a designated number of spaces in these centers be held for parolees. The Pardons and Paroles Board can then use these centers in lieu of incarceration for individuals who have violated their parole.

In addition, during Phase II of this project, a study should be made of the licensing criteria of ex-offenders. Special focus should be directed toward removing licensing restrictions except for those occupations related to the crime the offender has committed.

Finally, legislation should be introduced in the General Assembly to channel the Departmental revenues from work release back into the Department of Corrections/Offender Rehabilitation for appropriate redistribution among the community centers.

SELECTION OF PARDONS AND PAROLES BOARD MEMBERS PHASE I

FINDINGS

The decision to release an offender on parole can have as great an impact on the offender and on society as the sentence imposed by the judge. Despite the quasi-judicial role of the Pardons and Paroles Board, no systematic method exists for insuring the continued high quality of the board members.

The State Board of Pardons and Paroles was created in 1943 by an amendment to the Georgia Constitution and subsequent statutes define the composition of the board and its responsibilities as follows:

- The board shall consist of five members, appointed by the Governor but subject to confirmation by the Senate, to serve for terms of seven years.
- The board has the power to grant reprieves, pardons, and paroles and to remit any part of a sentence except in cases of treason, impeachment and those involving the death penalty when the Governor refuses to suspend execution to enable further board review.
- The board may adopt and promulgate rules and regulations, including the practices and procedures to be utilized in matters pertaining to paroles, pardons and the remission of fines and forfeitures.
- The members shall devote full time to board duties and will be paid $30,000 per year plus expenses.

The Pardons and Paroles Board is attached administratively to the Department of Corrections/Offender Rehabilitation and receives record-keeping and other administrative support from the department. The board functions as an independent body in making parole release and revocation decisions and the department is responsible for the field supervision of parolees.

The present organizational structure of the Pardons and Paroles Board meets or exceeds most of the criteria set forth by national parole and correctional authorities. However, there is no formal mechanism to insure the continued high quality of Pardons and Paroles Board members. There are no minimum qualifications for board members and the Governor may not be aware of qualified candidates to fill vacancies on the board. In addition, it is desirable for Pardons and Paroles Board members to represent viewpoints from a variety of disciplines rather than a single background of experience. Present selection methods do not assure this variety, however.

RECOMMENDED STANDARDS

The Commission recommends that a nominating committee be created by executive order to seek out potential candidates for Pardons and Paroles Board membership. The committee should be composed of persons broadly representative of the criminal justice field as well as the private sector. The Commission further recommends that minimum qualifications for Pardons and Paroles Board membership be established. Except for a requirement that board members possess a bachelors degree from an accredited college or university, these qualifications should be broad in nature and should emphasize the importance of experience in decision making rather than specific academic achievement. In order for the board to have the advantage of viewpoints from a variety of disciplines, the nominating committee should seek to maintain the following membership composition:

- One person experienced in corrections.
- A lawyer or a person with legal training.
- A sociologist, a behavioral scientist or an educator.
- Two private citizens.

A Pardons and Paroles Board Nominating Committee should be established by executive order and given the responsibility of recommending Board member candidates according to the provisions contained in the recommendation.

DUE PROCESS DURING PAROLE PROCEEDINGS PHASE I

FINDINGS

Although the Pardons and Paroles Board allows offenders the right to have counsel at parole revocation hearings, there is no means by which indigent offenders are provided legal representation. In this regard, Georgia's parole practices do not provide adequate due process as defined by federal court rulings.

In general, "due process" refers to a set of legal procedures which have been established for the enforcement and protection of individual rights. Regarding "due process' for offenders during the parole process, court decisions have indicated that the following elements should be considered:

- Whether an offender may be represented by legal counsel.
- Whether the offender has advance notice of hearings or actions that may affect his status.
- Whether the offender may explain his conduct to an impartial hearing officer.
- Whether the offender may have witnesses present at parole hearings.
- Whether the offender may confront his accusers, as long as no threat to the accuser's safety exists.
- Whether preliminary revocation hearings are held at or near the site of the alleged violation.

In 1973, the U.S. Fifth District Court of Appeals ruled that "due process" rights do not apply to parole board proceedings dealing with granting or denial of parole to an offender. An earlier decision by the U.S. Supreme Court, however, provided that the right to due process must be available to offenders being considered for parole revocation.

Georgia law and the rules and regulations of the State Board of Pardons and Paroles go beyond many of these elements of due process during both parole granting and revocation proceedings. Federal court decisions have been particularly concerned with the provisions of due process during parole revocation hearings. Although an offender is permitted to have legal counsel present at revocation hearings, no provision is made to provide counsel to indigent offenders.

RECOMMENDED STANDARDS

The Commission recommends that the State provide legal counsel to all indigent offenders during the parole revocation process. This will provide offenders adequate due process during parole proceedings.

CIVIL RIGHTS AND EMPLOYMENT PROBLEMS OF EX-OFFENDERS PHASE II

FINDINGS

While Georgia inmates suffer fewer deprivations of their civil rights than do offenders in other states, some steps should be taken to minimize the detrimental effects of a criminal conviction and help assure the re-integration of the ex-offender into working society.

Many factors help account for the high level of unemployment among ex-offenders, including poor previous work experiences, little formal education, little or no adequate marketable skill training, and the general state of the economy. These problems are especially acute in Georgia, where a DCOR Georgia offender profile indicates that almost half of Georgia's offenders are under 26; over 62 percent are black; over 75 percent had previously worked at blue collar jobs only, with over 50 percent reporting as truck drivers or laborers. Even though an offender may work diligently to improve his employability while within the corrections system, he will inevitably find upon release that he is barred from many jobs, occupations and

professions by laws, regulations, and practices which limit the job opportunities of ex-offenders to the most menial or temporary.

In Georgia, some forty professional and trade licenses are issued from official state examining boards authorized by law to examine applicants to the various professions. Although these boards consider applications on a case by case basis, the statutes set qualifications for each profession. A common phrase found among the licensing qualifications statutes declares that a particular license is to be denied those convicted of "a felony," "a crime involving moral turpitude," or simply those lacking "good moral character."

A number of procedures are available for the restoration of the ex-offender's rights which have been withheld, including the First Offender Pardon, regular Pardon, Ten-year Pardon, and the petition for restoration of Civil and Political Rights. Of these procedures only regular Pardon is authorized by statute, while the others are the offspring of the board's power to adopt rules and regulations. As such, they are subject to the Georgia Administrative Procedure Act, and court review of all decisions is available by law, if the particular ex-offender is willing to persevere to that point.

In the area of employment barriers, Georgia has been active with regard to instituting programs designed to aid the ex-offender. Funding for continuing bonding assistance to ex-offenders continues through the federally supported concentrated employment program under which the city of Atlanta qualifies as a prime sponsor. The Correctional Manpower Program of the Georgia Department of Labor also provides fidelity bonding to released prisoners, as a part of its ex-offender program.

Present policy of DCOR concerning the hiring of ex-offenders appears to be limited to the rule that one who has been convicted of a crime involving moral turpitude may not be employed in any position dealing with the supervision of inmates or inmate records. Currently, DCOR employs approximately 150 ex-offenders, mainly those convicted of misdemeanors.

RECOMMENDED STANDARDS

The present structure of disability laws and statutory employment barriers should remain. The State Pardons and Paroles Board, acting under its lawful power to adopt rules and procedures, should formulate rules to place probationers on an equal footing with parolees and "max-outs" in terms of the automatic administrative procedure for restoration of rights not directly related to the offense committed.

CORRECTIONS ORGANIZATION AND MANAGEMENT PHASE II

FINDINGS

Like American Corrections in general, the Georgia Department of Corrections and Offender Rehabilitation (DCOR) is a diffused and variegated agency. In the past overall objectives have not been clearly defined nor mutually agreed upon by agency staff. DCOR employees have had limited input into problem identification and problem solving, goal-setting and employee role definition processes. DCOR has been in a continual state of reorganization for several years. There has been little time for establishment of formal management training programs or a formal management-employee-offender relations programs. Employee recognition is non-standardized and a formal career development program does not exist. Because of reorganizations and more immediate, pressing problems or "crisis situations", DCOR has not initiated formal programs of organizational development or management relations.

RECOMMENDED STANDARDS

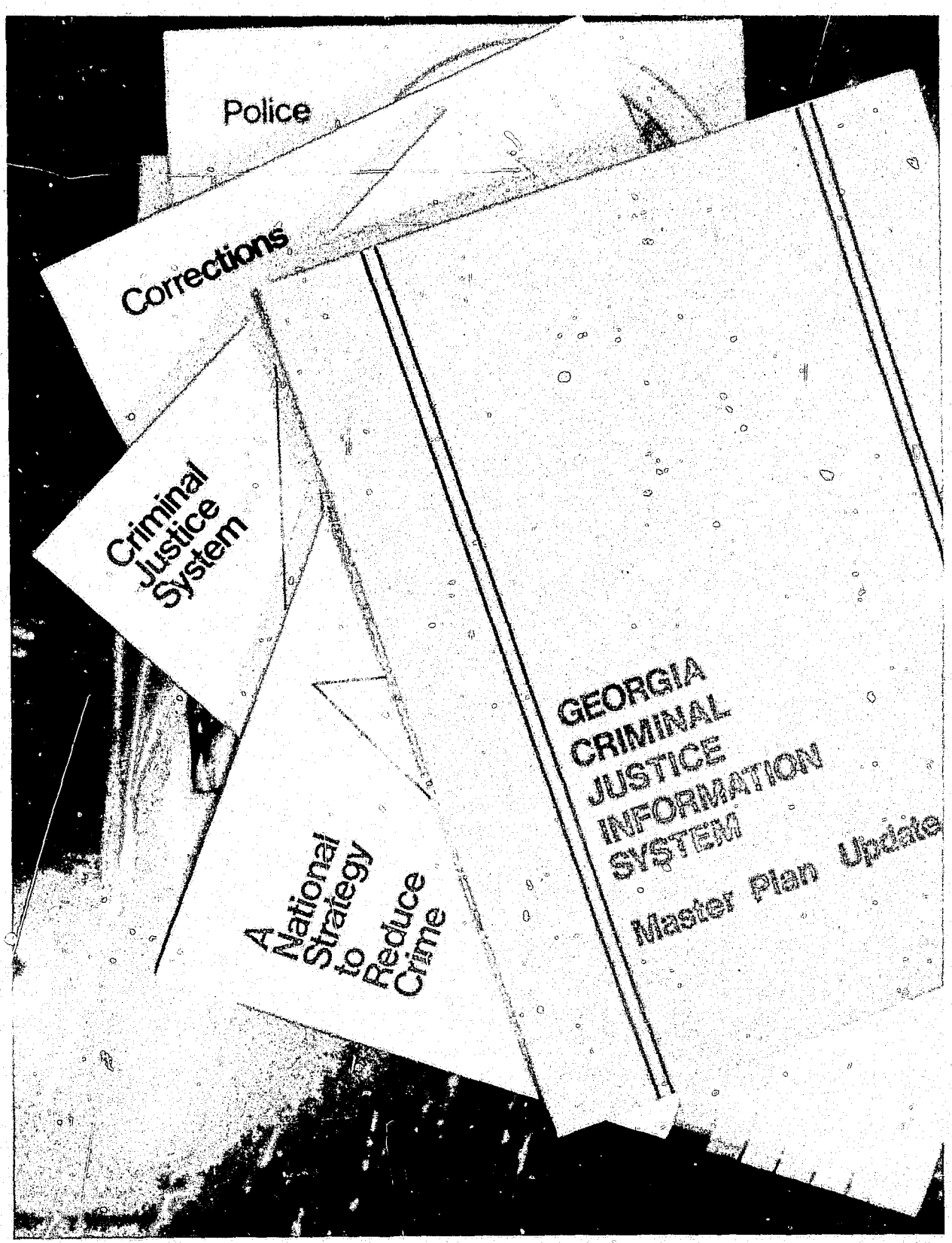
The Department of Corrections and Offender Rehabilitation should develop a formal management training program incorporating the concepts of management-by-objectives and participatory management to train a minimum of 50 managers by FY 1979.

Also, a management-employee-offender relations program should be developed by FY 1977 to reduce interpersonal friction and alienation and to redress employee and offender grievances so that professional and line-staff resignations decrease by 50 percent in FY 1977, 1978 and 1979, and so that 90 percent fewer disturbances occur in correctional institutions during those years.

DCOR should also develop organizational features which will increase Departmental effectiveness by indicating a 10 percent savings in operations in FY 1978, 1979, and 1980 under performance-based budgeting and which will provide better relations between management and employees by reducing the number of professional resignations in FY 1977, 1978, 1979, and 1980 by 50 percent and the number of employee grievances in FY 1977, 1978, 1979 and 1980 by 50 percent.

Upgrade Information Systems

GOAL: PROVIDE THE CRIMINAL JUSTICE SYSTEM WITH COMPLETE, TIMELY, AND ACCURATE DATA NEEDED FOR EFFECTIVE OPERATIONAL AND ADMINISTRATIVE DECISION-MAKING IN APPREHENDING CRIMINAL OFFENDERS AND DELIVERING CRIMINAL JUSTICE SERVICES.



SUMMARY OF RECOMMENDATIONS

- To institute accountability for federal and state fund expenditures, the Georgia Crime Information Center should be authorized to select, direct and supervise all personnel involved in criminal justice information system development and operation. System availability should not be less than 95 percent. *PHASE II*

- The Administrative Office of the Courts should conduct an analysis to determine the processing requirements necessary for a statewide judicial information system. The court administrator's information system, if automated, should process data for civil and criminal cases and forward data required for the criminal history and case disposition reporting systems to the Georgia Crime Information Center in a timely manner. *PHASE II*

- The Department of Corrections and Offender Rehabilitation should continue development and improvement of their information system as outlined in the departmental Master Plan. The Youth Services Division of the Department of Human Resources should prepare a plan for the development, implementation and operation of an information system. Both agencies should be authorized to select, direct and supervise all personnel involved with their systems. *PHASE II*

- Local criminal justice information systems, either automated or manual, should be capable of providing operational and management data. Model records-keeping systems should be developed and/or implemented. Information systems involving two or more agencies should be designed and operated with approval of a committee composed of heads of all involved agencies. *PHASE II*

- The composition of the Georgia Crime Information Center Advisory Committee should be charged to include balanced representation from the general public and the criminal justice community to assure protection of personal privacy without unduly limiting the effectiveness of criminal justice agencies. *PHASE I*

- All agencies requesting federal funding for systems should be assessed by the State Crime Commission (SCC) and the need for automation should be certified. Monitoring should be conducted by the Area Planning and Development Commissions, and evaluations of all operational systems should be conducted annually by the SCC. *PHASE II*

- The Department of Administrative Services should be authorized to provide, at no charge, radio system design and engineering services to local law enforcement agencies, and to coordinate all public safety radio frequency applications for state and local government agencies. The Department should prepare a standard radio operating procedures manual for use by all law enforcement agencies and which also can be used by the Peace Officers Standards and Training Council to develop a training program. Development of 911 emergency telephone systems should be in accordance with standards to be promulgated by the Department of Administrative Services. *PHASE I, II*

STATE LAW ENFORCEMENT INFORMATION SYSTEMS PHASE II

FINDINGS

Due to the complexity and large workload of criminal justice agencies, vast amounts of data are being generated concerning offenders, crimes and the system's performance. A law enforcement information system is being developed to collect, store and retrieve this data, but it is expensive and does not operate at levels sufficient to inspire confidence.

In 1972, Georgia criminal justice officials recognized that many agencies from all segments of the criminal justice system required vast amounts of information that only a computer could maintain in usable form. Some information collected and used at the local level for operational purposes was deemed essential for state planning and operations. This information transfer would require compatible computer systems. A State Criminal Justice Information System Master Plan was prepared that addressed both statewide and local information systems to insure that development of costly computerized systems would not be duplicated and that the systems would be compatible for data exchange.

The Georgia Crime Information Center (GCIC) is responsible by law for providing several information systems described in the Master Plan. Only the Law Enforcement Data System is available to date. This system, operational since June, 1974, processes over 900,000 inquiries and responses per month of wanted person, stolen item and vehicle registration data to assist Georgia peace officers in performing their functions. System development and operational costs totaled nearly a half million dollars over the last three years. Yet, trouble-free operation of the system over a twenty-six week period averaged only between 72 and 84 percent.

Two additional systems under development by GCIC will serve the entire criminal justice system. The Computerized Criminal History System will contain information concerning offenders' arrest and conviction records. This information is required in summary forms by law enforcement agencies for investigations. District attorneys need the data for prosecuting effectively and for plea bargaining. Judges require the information for sentence determination and corrections agencies need the data for development and execution of rehabilitation programs and for determining parole eligibility.

The criminal histories require data from all criminal justice agencies to be complete. The data collection is the function of the third state Master Plan program: the Case Disposition Reporting System. This system would collect data on major transactions involving a defendant from arrest to release from authority, and would build a criminal history once a final disposition was received. Agencies with terminal access to the system could determine a defendant's current status in the criminal justice system or his past record. Statistics would be available to determine the courses offenders follow in the criminal justice system and the time it takes to pass from one segment to another. Backlogs, delays, and bottlenecks could be determined. While considerable resources have been expended in developing these two systems, GCIC is approximately eighteen months behind a revised implementation schedule.

Although responsible for providing these systems, GCIC personnel operate only that portion of the computer equipment involved with criminal histories. The Department of Administrative Services by law performs all state computer processing and services designated by the Governor, and retains management control of all systems personnel, including analysts, programmers and operators. Use of consultants in these systems is at the discretion of DOAS with little GCIC input. However, GCIC must pay for all system expenses, and is held accountable by the criminal justice community when the systems are not functioning properly.

RECOMMENDED STANDARDS

The Georgia Law Enforcement Data System should be capable of responding to inquiries on wanted persons and stolen items within thirty seconds, and to inquiries on drivers' licenses and motor vehicle registration within one minute. Inquiries should be processed in priority order so that non-critical messages would not increase response time for wanted persons, stolen items, or motor vehicle registration inquiries. Inquiries of current defendant status within the criminal justice system, or a summary of past records, should be answered within one minute with full criminal histories available off-line with a maximum response time of twenty-four hours between receipt and mailing.

The availability of all GCIC systems should not be less than 95 percent. Response time should be monitored and records retained to insure maintenance of operational standards.

To institute accountability for expenditures of federal and state funds, the Georgia Crime Information Center should be given authority to select, direct and supervise all personnel involved in development and operation of systems for which they are responsible.

The Computerized Criminal History and Case Disposition Reporting Systems should be developed and maintained on single agency computer systems. Case disposition data should be capable of providing statistics for judicial circuits and counties, and should be the vehicle for data input to the criminal history file.

STATE JUDICIAL INFORMATION SYSTEMS PHASE II

FINDINGS

The judicial system in Georgia is large and complex, with over 750 courts whose jurisdictions include criminal cases. Manual and automated information systems to provide needed data for trial court operations and statewide planning are being developed. Some functions of these systems are complementary to other statewide criminal justice information systems. The relationships between these systems, however, is not clearly developed. Also unknown is the amount of computer processing required for the automated judicial information system.

When the Information System Master Plan was developed, Georgia did not have a state court administrator to plan for the needs of or to supply information to the judiciary. Several systems were envisioned, however, that would assist the courts in operating and planning. The Computerized Criminal History and Case Disposition Reporting Systems are two systems being designed by the Georgia Crime Information Center. These systems will provide data on offenders' arrest and conviction records, and data on offender flow through the criminal justice system.

The Administrative Office of the Courts (AOC), created in 1973, was authorized to collect and compile statistical and financial data regarding the courts. Several data gathering projects are being conducted by the AOC, including participation in the development of the System for Electronic Analysis and Retrieval of Criminal Histories (SEARCH) Group State Court Information System model. Manuals and automated pilot projects are being developed in conjunction with the SEARCH model that will supply data for the Computerized Criminal History and Case Disposition Reporting Systems. However, the relationships between the AOC and GCIC systems regarding methods of data transfer are undetermined. Since the AOC is currently involved in pilot projects, the amount and type of data processing for the entire statewide court administration system is not known.

RECOMMENDED STANDARDS

The model records-keeping system being developed by the AOC should be implemented in 1976 in all Georgia courts with jurisdictions including felonies or state misdemeanor offenses. This system should use the SEARCH standardized case counting procedures and provide data in the following priority categories: data necessary for the Case Disposition Reporting and Computerized Criminal History Systems; data concerning judicial functions, including case inventory and flow, time intervals between major transactions, workload on a weighted basis and dispositions; personnel and facility data; and financial data.

To be operational as soon as possible, data in Priority 1 should be provided directly to the Georgia Crime Information Center. The remaining data should be provided to the AOC. Concurrent with development of the pilot project and no later than the end of 1976, a requirements analysis should be conducted by the AOC to determine if a computer system will be required to perform statewide the cited functions, and if so, what the processing requirements will be. The court administrator's information system, if automated, should perform processing for both civil and criminal cases and forward criminal data required for the criminal history and case disposition reporting systems to GCIC in a timely manner.

This requirements analysis should consider the size and functions of Georgia's trial courts and individual court plans for automated information systems. The feasibility of the state court administrator's information system performing functions of trial court information systems should be determined circuit-by-circuit. Purchase or lease-purchase of computer equipment should not begin for the statewide system until the requirements analysis is complete.

STATE CORRECTIONAL INFORMATION SYSTEMS PHASE II

FINDINGS

While the Department of Corrections and Offender Rehabilitation and the Youth Services Division of the Department of Human Resources are operating, expanding or developing computerized correctional information systems, the detailed responsibilities for the identification, collection and exchange of needed information among these agencies and other elements of the criminal justice system are not clearly defined.

The Department of Corrections and Offender Rehabilitation (DCOR) is expanding a computerized information system that has been operational since 1971. Development efforts are proceeding in accordance with a departmental Information System Master Plan and with a national information system project. The proposed system functions include departmental and other criminal justice agency data needs.

The Youth Services Division in the Department of Human Resources is currently developing an information system to satisfy the most basic research requirements. Initially, this system includes only juveniles in detention, although the goal is to develop a comprehensive system that will provide research, administrative and management data on all of the division programs and juveniles under its custody. Implementation plans for future computer functions are not developed.

All computer operations for DCOR are performed on the state's centralized computer system which is operated by the Department of Administrative Services (DOAS). As the Youth Services Division's system increases in complexity, it is anticipated that it also will be operated by DOAS personnel.

RECOMMENDED STANDARDS

The Department of Corrections and Offender Rehabilitation should continue development of their information system as outlined in the Corrections Information System Master Plan and the national project. Functions to be performed by 1978 should include: offender location and tracking; evaluations of specific program objectives and agency goals; decision-making for line personnel and management based on the evaluations; research; statistical reports; personnel administration; and response to ad hoc questions. Corrections input to the Georgia Crime Information Center criminal history program should be made via the computer system used by DCOR in 1976. Complete criminal histories should be maintained only by GCIC.

The Youth Services Division in 1976 should document: the purpose of all programs under its administration; the number of juveniles in the programs for an average point-in-time and the total for a year; the rate of transfers among programs by juveniles; information presently collected; collection procedures; use of data; and laws relating to juvenile delinquent data collection and retention. Staff should also document by field visits and interviews the information required for administration and research. This information should include, but not be limited to, program evaluation, institutional workloads and personnel strength, juvenile location and post offense data, and response to ad hoc questions.

A plan for development, implementation and operation of a complete information system for the Youth Services Division should be prepared in 1976 based on this documentation. Functions requiring the use of automated equipment should be determined. Development of specific functions should be on a priority basis, with evaluations of different types of treatment programs having the highest priority.

An information system for juvenile offenders may be operated on the same computer as that for adults, but no information should be exchanged automatically between the two systems. Personnel with clearance to one system should not necessarily be authorized for access to the other.

To institute accountability for the expenditure of federal and state funds for information system, DCOR and the Youth Services Division should immediately be given the authority to select, direct, and supervise all personnel involved in development and operation of the system.

LOCAL CRIMINAL JUSTICE INFORMATION SYSTEMS PHASE II

FINDINGS

The enormous workloads confronting local criminal justice agencies place heavy demands on their records-keeping and information systems. Police administrators need information to properly deploy officers, and police officers need information to apprehend criminals and to investigate crimes. Prosecuting attorneys need information to support formal charges and to prosecute effectively. Judges and court administrators need information to manage court personnel and functions. Jail administrators need information to detain offenders in accordance with the law.

As of May, 1975, over 43 percent of Georgia's local law enforcement agencies had not implemented a record-keeping system designed to record the number and type of crimes occurring in their jurisdiction. Some district attorneys are known to have no filing system at all. This forces prosecutors to rely on court clerks to maintain criminal indictments, and makes the storage and retrieval of individual case files almost impossible. No formal filing system exists in some Georgia courts. In one judicial circuit in 1972, thirty different forms, most of which dealt with criminal cases, were identified. A 1973 study reported that many case files have minimal information recorded, that dockets at times show cases still pending which case files show closed, and that court records at times show cases completed before they were opened. One circuit had no formal criminal trial calendar.

To correct these problems large metropolitan areas have developed information system master plans to guide development of automated systems. Eleven jurisdictions of a city, county, or city/county combination are involved. Five systems provide support to local law enforcement agencies, and two systems support judicial and prosecutorial functions.

Model manual systems are being developed or installed to assist agencies that do not require the use of a computer. The Georgia Crime Information Center is offering a field reporting and records management package for law enforcement agencies, and the Administrative Office of the Courts is developing a model court records system.

RECOMMENDED STANDARDS

Law enforcement agencies should use the GCIC records management system, or a similar system, and should adopt standard operating procedures on report writing and review.

Information systems should be capable of indicating the census tract, zone or district of occurrence and average response and on-the-scene time required of a patrolman for each type of crime or call for service.

To assist agencies in resource allocation and crime analysis functions, the GCIC in 1976 should obtain stock computer programs for determining manpower allocation and operate the programs for criminal justice agencies on a cost reimbursable basis for the computer time used. To assist agencies in plotting crime incidence by census tract, zone or district, the Uniform Crime Reporting System of GCIC should be expanded by 1976 to tabulate crimes by specific area of occurrence for agencies using the system. Local agencies should develop coding schemes of zones or districts and record the code on each offense report.

The Prosecuting Attorneys Council should develop a model records-keeping system for Georgia's district attorneys by the end of 1976. This system should include at a minimum the recommended functions of the National District Attorney's Association and the following items:

- data required for operation of statewide computerized Criminal History and Case Disposition Reporting Systems;
- time periods between major steps in adjudication of type of case;
- age of cases in pretrial or awaiting trial to identify those in danger of exceeding established time limits;
- case schedule index listing witnesses, defense counsel and type of hearing;
- record of continuances by case, number and party requesting;
- criteria for rating adequacy of investigation and legality of procedure by each police unit;
- case files for all cases until the defendant is released from the criminal justice system.

The records-keeping system currently being developed by the Administrative Office of the Courts should be tested and implemented in Georgia's courts in 1976 and should be capable of:

- providing data required for operation of statewide Computerized Criminal History and Case Disposition Reporting Systems;
- allowing judges or court administrators to schedule trials and hearings based on knowledge of courtroom, judge, police witness and attorney schedules, status of defendants (i.e., in jail or free on bond), and case age;
- identifying those cases in danger of surpassing an established time maximum;
- allowing periodic tabulations of case filings and disposition backlogs, status of cases, time periods between major actions, jury and courtroom utilization;
- recording data for internal and statewide use simultaneously.

Individual courts with more than four judges should perform a cost-benefit analysis of an automated system with staff assistance from the AOC and the SCC.

In addition to legislative requirements, jail and detention center records systems should contain:

- alphabetical files of prisoners;
- locator files by bunk or cell number;
- a chronological listing of defendants' pending court appearances;
- prisoner property records;
- medical appointments of prisoners;
- known health problems of prisoners;
- other information that may be recommended by DCOR as a result of pending legislation.

All local Master Plans for automated information systems, and any changes to the plans, should be endorsed by the highest elected official(s) in the jurisdiction and by heads of all agencies involved. Systems involving two or more agencies should be operated with approval of a committee composed of the agency heads.

Localities desiring subject-in-process or offender based transaction systems should compare and analyze the expected results and costs of local systems with those of the proposed statewide system; recipients and uses of data and statistics should be determined prior to system design.

All computer systems within a local criminal justice system should be compatible for information exchange. Computer interfaces could be electronic or procedural, depending upon the nature of information to be exchanged.

Agencies within a local criminal justice system should designate a single agency to request and receive defendant criminal histories from GCIC.

Localities should institute records systems capable of determining police and witness waiting times for court testimony and the extent of trial continuances or dismissals due to failure of police or witnesses to appear.

The availability of local automated information systems should not be less than 95 percent.

Local information systems, regardless of funding source, should be capable of forwarding to state collection agencies all required data in the appropriate format.

SECURITY AND PRIVACY OF OFFENDER DATA PHASE I

FINDINGS

Georgia needs to protect individual rights to privacy while providing the criminal justice system with data necessary for its effective operation.

Criminal activity is not limited by geographical boundaries, making the sharing of criminal justice information necessary statewide. Access to criminal justice information in a timely and reliable fashion not only improves criminal justice agencies' effectiveness but also increases the safety factor of law enforcement officers and citizens alike. The need for interstate and intrastate communication of vital information relating to crime events, criminal offenders and criminal activity has led to development of Georgia's computer-based Criminal Justice Information System with a capacity for permanent storage, rapid retrieval and national coverage. Increased use of sophisticated technology, has, in turn, led to public concern about the increased vulnerability of an individual's right to privacy. Certainly, privacy can become seriously threatened when the information contained in a statewide or national system is inaccurate and/or incomplete, improperly disseminated and used, and unprotected against accidental or intentional damage or alteration.

Congressional and public concern with the potential hazard to personal privacy has resulted in several proposals to legislate national rules on the quality, use and dissemination of criminal justice information. However, Georgia has already taken steps to minimize the potential hazard to personal privacy and to maximize the security of criminal justice information through systems design and legislative provisions. The Georgia Crime Information Center Act of 1973 created the Georgia Crime Information Center to develop and maintain Georgia's Criminal Justice Information System. This Act also limits use and dissemination of criminal justice information to criminal justice agencies, allows an individual to challenge the accuracy of information collected about him, and creates an Advisory Council to advise the Georgia Crime Information Center in the operation and control of the information system.

The Advisory Council is responsible for advising and assisting the Center in the establishment of policies which:

- Provide for the efficient and effective use of the Criminal Justice Information System;
- Ensure that the scope of the system is limited to information needed;
- Establish that adequate security and privacy safeguards are incorporated in the Center's operations; and
- Institute appropriate disciplinary measures to be taken by the Center in the event of violations by participating agencies.

The Advisory Council membership is primarily representative of users of the Criminal Justice Information System and as such is weighted towards criminal justice interests. The potential for developing information regulations favorable to criminal justice agencies at the expense of personal privacy appears to exist since only two of fourteen members represent general public interest.

Due to the inactivity of the Advisory Council, the Center has made decisions in the absence of policy guidance. For example, no security and privacy regulations have been promulgated by the Advisory Council. Since the Advisory Council is not required to report to the Governor nor to the public, neither the Governor nor the public is made aware of security and privacy measures established by the Center. Without assurances to the public, concern about the protection of personal privacy will continue to increase.

The Georgia Crime Information Center Act of 1973 is generally consistent with existing and proposed federal legislation and provides a basis of authorization for the protection of personal privacy without unduly limiting the effectiveness of criminal justice agencies. However, security and privacy regulations need to be established to guide the Center and participating agencies' activity and to assure enforcement of the Act. A system for certifying that user agencies are in compliance with established rules and regulations needs to be developed.

RECOMMENDED STANDARDS

The Georgia Crime Information Center Act of 1973 should be amended to change the Advisory Council composition to include greater representation from the general public and to recognize its importance by naming the Governor as its Chairman. Membership should be balanced with seven persons representing criminal justice agencies and seven persons representing the general public. Also, the Advisory Council's role should be expanded to authorize the Council to report annually to the public on the types and uses of

data collected, and the safeguards adopted to protect individual privacy.

CRIMINAL JUSTICE INFORMATION SYSTEM EVALUATION PHASE II

FINDINGS

While considerable resources have been expended in the development of automated information systems in criminal justice agencies, no formal evaluation to determine the worth of the systems has been conducted.

The State Crime Commission (SCC) has emphasized the design, development and operation of automated criminal justice information systems. From 1969 to 1973, the SCC allocated $8.7 million for state and local information systems – an average of over 18.3 percent of each year's budget. Estimates for fiscal years 1977 and 1978 for the continued support of information systems total $4.5 million.

Applicants for information system funding are frequently unaware of the types of data needed for evaluation both before and after implementation and fail to include this information in grant applications. For those systems maintaining the necessary data, no evaluations have been attempted. Only one information system has been monitored in detail by the SCC and that was not an evaluation.

Recently the SCC staff began developing an evaluation capability. Three program evaluation positions were created in the Audit/Evaluation Division. This new unit is responsible for identifying projects successful in achieving designated objectives. Evaluative techniques and data requirements have not been developed for criminal justice information systems.

RECOMMENDED STANDARDS

The State Crime Commission should be responsible for evaluating all criminal justice information systems funded in whole or in part by the SCC. The Audit/Evaluation Division should certify the need for automation for all agencies requesting systems funding. Certification should be contingent upon investigations of manual or semi-automated systems. Applicants not obtaining need certification should not be considered for SCC funding.

Monitoring efforts should be conducted by Area Planning and Development Commission planners for all systems under development to insure that items necessary for technology transfer are available.

All operational information system functions should be evaluated in 1976 and annually thereafter as long as SCC funds are granted to the system. Efforts should be made to measure results and to determine their relative merit based on system costs. Copies of all evaluation reports should be provided to heads of agencies whose systems have been evaluated as well as to elected officials to whom these agency heads report.

POLICE COMMUNICATIONS PHASE I, II

FINDINGS

Citizens attempting to contact a police department in an emergency frequently waste valuable time due to a lack of knowledge of the proper telephone number or even the proper department to call. Once the police dispatcher is aware of an emergency, messages must be directed to field units capable of responding. Again, valuable time is often wasted when a dispatcher must decide what to do with a call and whether or not there is an available radio channel to transmit the message to a field unit.

Many law enforcement agencies do not use radio frequencies efficiently. This inefficiency is caused by the lack of standardized and efficient radio operating procedures, and by improperly designed radio communications systems that do not fulfill the agency's requirements.

The use of a three digit 911 emergency telephone system greatly simplifies the procedure of contacting a police department in an emergency. Yet, of the fifty largest law enforcement agencies in the state, only those in Macon, Albany, Thomasville and Milledgeville operate 911 systems. Emergency communications are further hampered in twenty-six of these agencies, since both emergency and administrative messages are received on the same line.

Since numerous telephone companies operate in the state, phone lines of more than one company often are found in a jurisdiction. Piecemeal implementation of 911 systems could therefore result in an emergency call from one county being routed to a police department in a neighboring county.

Some efforts have been directed toward improving communications between agency and field units. The state has established three statewide police radio frequencies. These frequencies are adequate to support Georgia's state and local interagency coordination requirements if used in accordance with their intended purposes. However, this is not being done. Local law enforcement agencies are required by their license from the Federal Communications Commission to operate on specific local frequencies for conducting daily routine activities, and on the statewide frequencies only for interagency coordination purposes. While almost all municipal police departments are using their local frequencies, many sheriff's departments have

equipment which is capable of using only the statewide frequencies.

The Telecommunications Consolidation Act of 1973 authorized the Department of Administrative Services to formulate and implement a plan for a statewide telecommunications system to serve state government. This law assigns to the Department of Administrative Services the responsibility for the design, procurement, installation and maintenance of all radio communications systems operated by agencies of the state government, including state law enforcement agencies.

However, there is no statutory authority for the state to provide comprehensive radio communications system engineering assistance to local governments. The Department attempts to assist local agencies upon request whenever possible. Due to limitations of time, manpower, financial resources, and the priority of state-level activities, such assistance is generally of a review and advisory nature rather than actual engineering assistance.

The Federal Communications Commission requires that evidence of frequency coordination be submitted with all radio license applications. Frequency coordination is the process of selecting and recommending a suitable frequency for use by the license applicant which will cause the least amount of interference to other systems. The Public Safety Radio Services Act of 1975 directs DOAS to develop and implement a statewide system of radio channel allocation and to promote joint use of public safety radio resources. DOAS presently maintains a manual record system containing more than 12,000 files listing all radio frequencies, user agencies, location and technical specifications of all current systems, call letters, license expiration dates and other information needed for a comprehensive frequency management program.

The lack of efficient radio operating procedures is another significant cause of inefficient frequency utilization. The State Crime Commission's Police Radio Communications Plan provides for the shared use of local frequencies in order to conserve limited frequency resources and to promote adjacent agency cooperation. In order for all users to have equal and ready access to the frequencies, it is necessary that each user agency employ efficient and rapid operating procedures, and that such procedures be standardized among all agencies sharing a particular frequency. However, it has been learned that such procedures are not in general use by most agencies, and that there is widespread use of many local law enforcement radio systems for conducting personal and other non-law enforcement related activities. This causes a severe reduction in the amount of air time available to an agency in conducting official law enforcement activities. No evidence has been found which would indicate the intentional non-use of efficient operating procedures by any law enforcement agency. Instead, it was found that formal training in correct radio operating procedures is unavailable to the enforcement officers. New officers usually learn from others, thereby perpetuating the existing practices and presenting no opportunity for improvement.

Training for communications personnel is limited to the curriculum of the Peace Officers Standards and Training Council, which includes two hours of coverage of telephone, police radio and national crime information systems. Atlanta is the only jurisdiction known to have a specific training course for communications personnel. The first class of eighteen graduated in September, 1975.

RECOMMENDED STANDARDS

Legislation should be enacted to authorize the Department of Administrative Services to provide, at no charge, radio system design and engineering services to local law enforcement agencies to ensure that all systems are technically capable of fulfilling both local and interagency communications requirements.

The DOAS Information and Computer Services Division by 1977 should develop a computerized frequency management program to be utilized by the Telecommunications Division in fulfilling its responsibilities under the Public Safety Radio Services Act of 1975. The computerized system should eliminate the manual records keeping system.

The Telecommunications Division of DOAS and the State Crime Commission should jointly define the major areas of radio communications for which engineering assistance will be available from DOAS and the priority order in which requests for such assistance will be met. Priorities should be on centralized or consolidated dispatch centers, satellite repeater systems, digital communications systems, computer aided dispatch, tape logging recorders, and any other technology which can contribute to a reduction in police communications response time or frequency congestion.

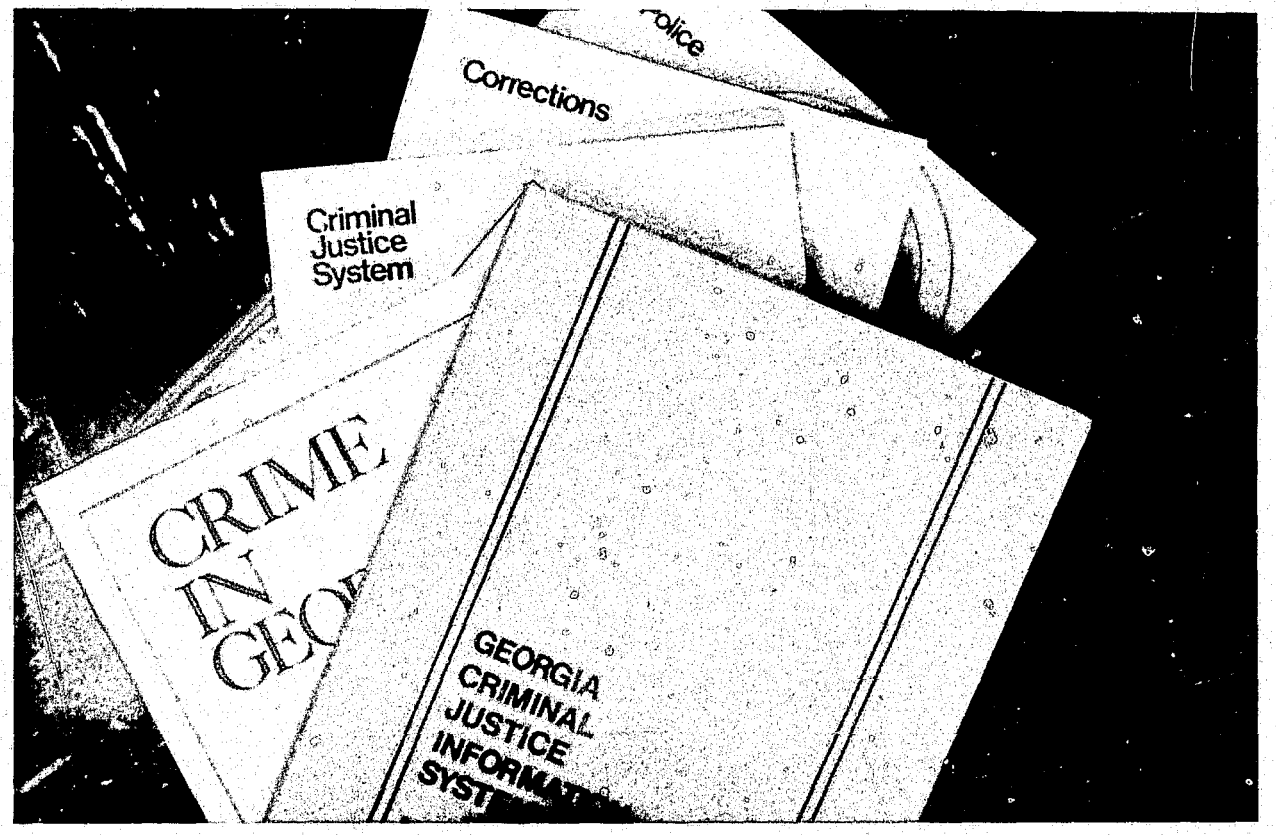
The Georgia State Patrol should seek authorization from the Board of Public Safety to insure that proper procedures are complied with by all agencies when using the intrastate coordination frequencies by monitoring these frequencies.

Legislation should be enacted in 1976 to regulate the planning and implementation of 911 emergency telephone systems to ensure orderly and compatible growth of 911 service in adjacent jurisdictions. The Telecommunications Division of the Department of Administrative Services should be required to develop operational and technical standards for 911 systems, review the plans of local jurisdictions developing 911 systems, and prohibit installation of any system not meeting the standards.

The Department of Administrative Services, in conjunction with the State Crime Commission, should prepare a standard operating procedures manual for use by all law enforcement agencies.

By the end of 1976, the Georgia Police Academy should develop and administer a communications training course approximately 80 hours in length to familiarize radio dispatch and complaint officers in all state and local law enforcement agencies with standard hardware and operating procedures.

GOAL: INSURE THAT COMPREHENSIVE LONG AND SHORT-RANGE PLANNING IS BEING ACCOMPLISHED FROM THE LOCAL TO THE STATE LEVEL IN ALL THE CRIMINAL JUSTICE SYSTEM COMPONENT AGENCIES.



SUMMARY OF RECOMMENDATIONS

- The emphasis of the State Crime Commission should be shifted from distributing federal funds to criminal justice planning and evaluation. Also, the Commission's planning process should be scheduled to conform to the state's budget and planning cycle so that resulting plans can achieve maximum impact. *PHASE I*

- Cities, counties, or city/county combinations with 30,000 or more people should establish local criminal justice coordinating councils. *PHASE II*

- Law enforcement agencies with 75 sworn personnel should have a full-time planning unit to develop plans. Also, the State Crime Commission should develop and disseminate a comprehensive planning manual for all law enforcement agencies. *PHASE II*

- The present organizational structure of the corrections system should be maintained, but each agency providing services to the offender should establish and maintain a full-time planning unit. *PHASE II*

- The Judicial Council should assign responsibility for drafting a local pre-trial process plan to the court administrator in each administrative district. These local plans should be reviewed by the Judicial Council and integrated into the comprehensive statewide pre-trial process plan which should be drafted by the Administrative Office of the Courts by 1979. *PHASE II*

- A judicial emergency plan should be prepared to facilitate the immediate expansion of the system during time of crisis. *PHASE II*

- Legislation should be enacted which creates a statewide mutual aid plan to be used for controlling unusual occurrences at the local level. *PHASE I*

- The state should strengthen the role of existing regional criminal justice advisory councils and concentrate its efforts on expediting cases through the system, providing better services to the community and reintegrating the offender into the community. *PHASE I*

- The State Crime Commission should distribute a draft set of standards defining minimum levels of service to all criminal justice agencies. After review and comment, the Commission should adopt a set of minimum standards for criminal justice services. *PHASE II*

STATE CRIMINAL JUSTICE PLANNING
PHASE I

FINDINGS

Statewide comprehensive criminal justice planning is essential to assure that manpower and financial resources are used most effectively. However, planning presently is performed by many state and local agencies in a largely uncoordinated fashion.

Georgia's criminal justice system includes segments of the executive and the judicial branches at both the state and local level. While many of these agencies engage in criminal justice planning, there is a wide variance in the nature and quality of planning and in the degree to which plans are used in the budgetary process. Prior to the creation of the State Crime Commission, no agency was authorized to coordinate plans and implement and evaluate programs designed to achieve common goals. The State Crime Commission was created to satisfy a requirement of federal crime control legislation and is authorized to:

- Coordinate and develop annual comprehensive criminal justice plans for the reduction of crime;
- Allocate federal crime control funds to criminal justice agencies based on annual plans;
- Provide or secure technical assistance to state and local criminal justice agencies; and
- Analyze and publish statewide crime statistics.

Organizationally, the Commission is attached to the State Department of Community Development for administrative purposes. Since the Commission was created in compliance with federal regulations, the possibility exists that Commission functions will cease upon termination of federal funding. Without systemwide coordination of plans, unbiased evaluation, objective crime analysis and technical expertise, Georgia's approach to dealing with the crime problem likely would be fragmented and ineffective.

Even with systemwide planning authority, previous comprehensive criminal justice plans developed by the Commission have not been totally effective. Three reasons for these failures are a preoccupation with distributing federal funds; a lack of coordination between budgeting for the expenditure of federal funds and the expenditure of other funds; and a lack of data to adequately identify problems, establish quantifiable goals and determine successes and failures.

Although the federal crime control legislation of 1969 and 1973 emphasizes statewide criminal justice planning, federal directives have emphasized the flow of federal funds. As a result, the Commission has been preoccupied with the allocation and administration of federal funds at the expense of other functions such as planning, coordination, technical assistance and evaluation. This has led directly to state, regional and local criminal justice plans and programs being developed primarily for the purpose of receiving federal funds. When the availability of federal funds is eliminated, many of these plans and programs will be discontinued.

Criminal justice planning done by the State Crime Commission is not fully utilized in the budget processes of state and local agencies. Currently, federal funds allocated by the Commission represent less than six percent of all expenditures for criminal justice programs in the state. The planning required for this small portion of expenditures has no appreciable impact on the total criminal justice system. Also, the effect of the programs funded has no appreciable impact on the reduction of crime.

The Georgia Criminal Justice Information System, being developed by the Georgia Crime Information Center, will supply the Commission with most of the data needed for effective planning. However, the Commission's data analysis function will not reach its full potential until the computerized Criminal Justice Information System is fully implemented. Development of this system is on schedule, but implementation costs are much higher than originally proposed. To remain on schedule, increased state funding will be required.

RECOMMENDED STANDARDS

The State Crime Commission should continue to perform its current role and responsibilities as a unit of state government attached to the Department of Community Development. However, emphasis should immediately be shifted from distributing federal funds to comprehensive criminal justice planning and evaluation. As a part of this shift, the Commission's criminal justice planning process should be scheduled to conform to the state's budget cycle. The Comprehensive Criminal Justice Plan can then be utilized more effectively by the Office of Planning and Budget in the development of programs and policies. Also, evaluation techniques should be built into the planning process in order to measure the success of individual projects and programs.

In addition, it is recommended that the state criminal justice planning be continued beyond the duration of the current federal crime program as should the state's responsibilities for providing crime statistics analysis and technical assistance. Finally, the state should provide increased funds to the Georgia Crime Information Center to facilitate completion of the Criminal Justice Information System as scheduled.

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1 OF 2

LOCAL CRIMINAL JUSTICE PLANNING PHASE II

FINDINGS

Though a comprehensive planning process is vital to the efficient operation of a criminal justice system, only two local units of government, Atlanta and Cobb County currently conduct planning efforts that attempt to analyze problems from a system perspective.

The Atlanta Crime Analysis Team (CAT) and its governing body, the Criminal Justice Coordinating Council (CJCC), are responsible for local criminal justice planning, programming and crime analysis for the City of Atlanta, Fulton and DeKalb Counties. There are twenty-three CJCC members appointed by the Mayor of Atlanta and a CAT staff of approximately fifteen. It is their responsibility to prepare a local criminal justice plan for crime reduction utilizing all community resources, not just those of the criminal justice system, with innovative approaches and methodologies that cut across the entire community.

The Cobb County Police Department's local police/criminal justice planner prepares federal grant applications for other Cobb County criminal justice agencies as well as those limited to the police function. In addition, this planner coordinates and integrates the police, courts, and corrections components to achieve criminal justice improvements.

In the remaining areas, system-wide planning is the responsibility of the eighteen Area Planning and Development Commission planners. These planners, however, are responsible for several cities and counties and are engaged primarily in solving region-wide problems and grant management. None is able to devote an appreciable amount of time to data collection, problem analysis and planning for individual units of government or agencies.

Little training in planning is available in the State for local criminal justice managers or officials. Numerous police planning courses are available at the University of Georgia's Institute of Government, but there are no system planning courses. Georgia State University is the only state institution with a system planning course, but it was offered only once in 1974.

RECOMMENDED STANDARDS

To improve local criminal justice planning effectiveness, cities, counties, or city/county combinations with 30,000 or more people should establish local criminal justice coordinating councils. CJCC's should be complementary to the Area Planning and Development Commissions by increasing the governments' capacity to identify, analyze, and solve crime and criminal justice problems and provide meaningful information to the APDC's for inclusion in the regional planning process. Costs for the establishment of the CJCC's should be borne by local governments.

To assist in the development of this comprehensive planning process, the State Crime Commission should develop a criminal justice planning manual for use by the CJCC's and their staff. A one week planning conference based on the manual should be conducted by the SCC for local government officials, criminal justice managers, and citizen representatives.

The University System of Georgia institutions offering planning courses in law enforcement, courts and corrections should develop by 1977 a course in criminal justice planning with elements of all three components contained in the course content.

POLICE PLANNING PHASE II

FINDINGS

Planning within Georgia's local law enforcement agencies, while demonstrating many of the same weaknesses which plague police planning units throughout the country, faces the larger problem of not even being recognized in most law enforcement agencies.

A survey conducted in March, 1975 revealed that emphasis on planning is a phenomenon primarily confined to larger law enforcement agencies. Of the large agencies surveyed (100 or more officers), seventy-five percent employed at least one full-time planner. All of the large agencies participated at least occassionally in planning with community and government entities within their jurisdiction. Seventy-five percent of the large departments rated planning as a "high" agency priority. These figures declined noticably for the medium (14-100 officers) and small (1-14 officers) agencies. Likewise, the amount of intra-jurisdictional planning and the priority of the planning function decreased dramatically as the sizes of the agencies declined.

Among local law enforcement agencies – even in many of the large metropolitan areas – the planning process has not reached its potential. There is a tendency to rely almost exclusively on reactive rather than long-range planning, and most planning units are burdened by a lack of direct communication with the chief executive officer. There is a failure to coordinate with other local governmental agencies during the planning process, and a tendency to use planning positions as promotional rewards for sworn officers who

may not be adequately skilled or otherwise capable of being an effective planner.

RECOMMENDED STANDARDS

Local law enforcement agencies should (where applicable) adopt the following recommendations and guidelines:

- Agencies with 75 sworn personnel should have a full-time planning unit.
- Planning positions should be open to both civilian and sworn personnel, but should contain minimum requirements for entry.
- Written planning policy should be adopted to define and clarify agency goals and objectives.
- Agencies should coordinate planning efforts with neighboring police and government agencies, and concerned citizens groups.

The following recommendations should be implemented at the state level:

- The State Crime Commission should develop and disseminate a comprehensive planning manual for all law enforcement agencies;
- The Peace Officer Standards and Training Council should develop in-service training programs for all law enforcement, State Crime Commission, and area planning and development commission criminal justice planners;
- The University System of Georgia should include planning courses in every institution with a criminal justice curriculum; and
- Increased research capability should be provided to the State Crime Commission.

CORRECTIONAL PLANNING PHASE II

FINDINGS

The corrections component of the Criminal Justice System in Georgia is a massive network of state, county and municipal agencies, Some of the agencies plan for their operations in a formal manner; others do not. No single plan exists relating the programs of all agencies to the needs of the offender.

The Department of Corrections and Offender Rehabilitation (DCOR) has established a Research and Development Division with over twenty professional personnel to assist in planning for programs for approximately 12,000 adult inmates, approximately 28,000 adult probationers and 3,000 parolees. The Youth Services Division of the Department of Human Resources (DHR) administers programs to an estimated 20,000 delinquent children, although the Division has only one planner.

Supportive services and programs are provided by many agencies. The Division of Vocational Rehabilitation in DHR provides job counseling and employment services to probationers and parolees, but has no full-time planning capabilities for public offender programs. The Mental Health Section and the Drug Abuse Services Section in the DHR Division of Mental Health each has one full-time planner to assist in planning for 34 drug treatment programs, 34 mental health service centers, and in preparing long-range plans for offender services. The Institutional Sanitation Unit of the Division of Physical Health in DHR is responsible for inspecting all jails and detention centers for compliance with minimum jail standards.

The Division of Manpower Services in the Department of Labor provides vocational training, counseling and job placement services to incarcerants, probationers and parolees without the benefit of full-time planning assistance. The Department of Education operates education programs in at least two prisons, although coordinated planning efforts with the Department have been minimal. The State Fire Marshal is responsible for establishing and enforcing fire safety standards for all jails and penal institutions, although no coordination exists with the inspectional units in DHR.

At the local level there are thirty-eight county correctional institutions, 154 county jails, seven adult and seventeen county juvenile probation offices and 225 municipal jail operations. There is virtually no formal correctional planning at the local level.

Comprehensive planning for corrections is attempted by two agencies. The State Crime Commission (SCC) is responsible for planning for and administering Law Enforcement Assistance Administration funds and is developing capabilities for coordinating system-wide planning and evaluation. Planning efforts at the SCC are currently limited, since LEAA funds represent only five percent of all criminal justice expenditures in the State.

The Office of Planning and Budget (OPB) develops policy for all state departments through the budgeting process and by review of pre-grant application forms for monies from the U.S. Departments of Justice; Health, Education and Welfare; Labor and Education that are used in corrections. These reviews are conducted by various OPB personnel according to the state department involved, rather than by the function for which the funds are intended.

RECOMMENDED STANDARDS

The present organizational structure of the corrections system should be maintained, but each agency providing services to the public offender should establish and maintain a full-time planning unit. This will require additional personnel in the Divisions of Vocational Re-

habilitation, Mental Health and Youth Services in the Department of Human Resources, and the Division of Manpower Services in the Department of Labor.

The State Crime Commission (SCC) should establish those data elements necessary for the accurate description and evaluation of the corrections system so that the data can be collected. The SCC, through the Crime Statistics Data Center, should be responsible for developing procedures to analyze criminal histories for the purpose of determining the rates of recidivism, or the return to criminal behavior of persons released from the various rehabilitative programs of the correctional agencies.

To insure that duplication of services does not exist and to insure that all necessary services are being provided, the SCC should review all correctional agency plans. Based on this review and the results of evaluations, the SCC should recommend to the Office of Planning and Budget programs and levels of funding for correctional agencies. Due to the diversity of programs and the number of different state departments involved, the Office of Planning and Budget should have one policy planner for corrections.

As agency planning capabilities become more effective, the Office of Planning and Budget should begin to require process plans in the areas of education, job training or other processes involving more than one agency. Process plans should be developed by agency planners under the coordination of the State Crime Commission.

Correctional planners should consider the actions of the judicial system. Changes in court procedures, increased use of diversion programs, or changes in the average length of sentences can have significant effects upon correctional planning in such areas as number of probation officers required or the number of prison cells required to house incarcerants. To obtain this information, correctional agencies should establish and maintain liaison with the Administrative Office of the Courts.

To assist municipal and county governments in the planning of detention centers, jails, and correctional institutions, the State Crime Commission should develop a correctional planning manual. The manual should include examples from local situations and should be distributed to the administrators of all local operations.

Based on the process described in the manual, each local administrator should develop an operations plan which identifies problems including a component for a mass disorder plan where appropriate. Local jail and detention center administrators should maintain contact with the local judiciary to insure that the various components of the mass disorder plan are complementary.

Problem solving or plan development assistance is currently available to local administrators. To promote the use of this resource, the correctional planning manual should include an index of reference or resources which can provide technical assistance.

PRE-TRIAL PROCESS PLANNING PHASE II

FINDINGS

There are three problem areas in pre-trial processing where substantial planning is not being conducted throughout the state but where planning could assist in making significant improvements. These areas are (1) bail and pre-trial release, (2) trial delay, and (3) the need for diversion and special treatment programs.

Through bail many pre-trial detainees can secure release. However, some defendants cannot afford bail and are detained prior to trial. Statistics gathered in Ohio indicate that the jailed defendant is twice as likely to be sentenced to the penitentiary as the bailed defendant who is better able to resist pressures to plead guilty.

Problems of trial delays, common in Federal and other state courts throughout the country, affect Georgia courts. The Fulton County Criminal Court, which handles most misdemeanors, had a backlog of 5,000 cases in June, 1975. A defendant who pleads guilty may have to wait six to eight weeks after arrest before the court will accept his plea. If the case is set for trial, it may be five to seven months before the trial is held. The pending cases in the Superior Court of Fulton County actually decreased in 1974, a decrease attributed to the planning and control exercised by the Court Administrator. Another facet of the pre-trial process in which planning is needed is diversion. A diversion program is one which intervenes in a case prior to trial and attempts to treat the individual's problems which may have caused his criminal behavior. If the accused offender responds successfully to treatment, the pending charges may be dropped. Diversion represents one method to reduce voluminous court caseloads; in fact, it may become absolutely necessary to use diversion if caseloads continue to increase.

Diversion is a new concept, however, and even the supporters of the concept have stated that a prerequisite to any long-range, full scale diversion program would be to obtain more statistics and to conduct more research, evaluation, and planning prior to funding and implementing the programs. Therefore, better planning would provide courts with information about pre-trial programs and make judges more receptive to new alternatives.

The Judicial Council has as an objective the development of a five and ten year plan for the state's judicial system. These plans have not been developed, but the Council is beginning to identify goals and objectives. These efforts, however, do not include pre-trial process planning.

There are Superior Court administrators in the Atlanta, Cobb and Clayton judicial circuits involved in different aspects of judicial planning. The Cobb County Court Administrator supervises a pre-trial release program and coordinates the court calendar so that needless trial delays can be avoided. The Fulton County Court Administrator does little if any long-range planning, and there are no planners on his staff. The administrator spends most of his time working on calendar management and the development of a judicial information system. The state's only other Court Administrator, located in Clayton judicial circuit, also plays no role in long-range planning. He is involved in calendar management but has not undertaken pre-trial process planning.

Thus, in Georgia, there is no real significant planning performed in the pre-trial processing area. Most of the work done in this area involves management and administration rather than long-range planning.

RECOMMENDED STANDARDS

The Judicial Council should assign responsibility for drafting a local pretrial process plan to the court administrator in each administrative district. This individual should make quarterly progress reports to the Judicial Council and should develop by 1978 a long-range plan dealing specifically with the pre-trial processing problems.

In developing local plans, the court administrator should seek the advice of resource personnel in other areas of the local criminal justice system. Basic elements of the local plan should include:

- An identification of local problems encountered with bail and pre-trial release, trial delays, diversion, and special offender treatment programs.
- An identification of facilities available or needed for treatment of diverted persons within a circuit.
- An identification of services available or needed by persons in pre-trial status.
- An evaluation of community attitudes toward diversion and pre-trial release.
- A cost estimate of new pre-trial programs.
- An estimate of judicial time that could be saved by pre-trial release diversion and programs to expedite trials.
- A list of goals and objectives for a five to ten year period which would improve local pre-trial processing.
- An annual evaluation of the effectiveness of pre-trial processing.

These local plans should be reviewed by the Judicial Council and integrated into the comprehensive statewide pre-trial process plan which should be drafted by the Administrative Office of the Courts by 1979. This planning process should utilize the data collected by the Administrative Office to identify alternative solutions to major problems in the pre-trial area and the cost of each alternative. Further, implementation schedules should be developed, and evaluations performed.

MASS DISORDER PLANNING PHASE II

FINDINGS

Though large scale disturbances in cities across the country demonstrated the need for procedures to protect the rights of individuals and expedite the administration of justice during emergency conditions, Georgia has not developed a plan to cope with a mass disorder. Nor has legislation to deal specifically with the problem of judicial emergencies been enacted.

Should Georgia's judicial system be innudated with large numbers of defendants as a result of a mass disorder, existing code provisions would provide only partial relief. Under existing law, additional district attorneys, judges, clerks and defense attorneys may be appointed. However, the mechanics of their appointment and the time needed to react and organize to handle large numbers of people in the absence of a plan of action could cause delay and a miscarriage of justice.

The many problems involved were illustrated in Detroit, Michigan when the recorder's court handled a month's quota of misdemeanor cases and a six month's quota of felony cases in one week. Failure to maintain a centralized system of arrest records resulted in defense attorneys and families being unable to locate persons confined in widely scattered emergency detention facilities.

Judicial proceedings became oriented to mass rather than individualized justice during a riot in Newark, New Jersey. Mass indictments naming 100 or more defendants were handed down in all day sessions after average deliberation of less than two minutes per case. The shortage of skilled defense attorneys was acute and individual counsel was rarely available. Defendants normally ineligible for assigned counsel were unrepresented. Sentencing during the riots tended to be more harsh than those cases disposed of after the disorder. Some judges imposed maximum penalties across the board as deterrents. The burden of this policy fell mostly on the indigent defendant. Those unable to raise bail agreed to an immediate trial. Those able to raise bail and delay trial received more lenient sentences.

RECOMMENDED STANDARDS

To insure the effectiveness and fairness of the criminal justice system, a judicial emergency plan should be prepared to facilitate the immediate expansion of the system during time of crisis.

The Judicial Council should be responsible for developing guidelines for emergency plans including a policy statement and strategy for transferring resources among jurisdictions. In developing these guidelines, the Judicial Council should seek the advice of resource personnel from other agencies of the criminal justice system. The Criminal Justice Council, the Prosecutor's Council and such affected organizations should be involved in the formulation of the statewide strategy and guidelines.

Based upon these guidelines, the court administrator in each administrative district should develop a localized plan for judicial emergency situations. The subject matter of these local plans should include both policy matters and management considerations required to implement the plan.

The Judicial Council should identify needed legislative authority. The desirability of additional statutory or court rule provisions is most apparent in the area of transfers of judicial and court support personnel between districts in different counties. The statewide strategy should include a provision for fair and equitable allocation of the costs of implementation between the state and local government.

CONTROL OF UNUSUAL OCCURRENCES PHASE I

FINDINGS

During the past three years, the Georgia State Patrol has devoted over twelve thousand man-hours to duties related to the control of unusual occurrences, at an estimated minimal cost to the state of $40,000. Much more costly is the expense incurred in calling out the National Guard. Between April 8 and 11, 1968, the state spent $84,350 to send the Guard to Atlanta on a riot readiness alert. The Guard was not placed into action in this situation. The largest recent expense for guard duty in Georgia was incurred between May 11 and 18, 1970, when the Guard was called upon for riot duty in Augusta and Athens. Some 2,612 National Guard personnel were called to those scenes, costing the state $211,500.

The use of the State Patrol as the first line of defense in controlling unusual occurrences presents several problems other than the high cost. First, the State Patrol's two-hour average response time compares unfavorably with the 45 minute average response time experienced by two regions of the state which participate in mutual aid agreements. Second, most communities do not have comprehensive written plans for the control of unusual occurrences since they can depend on the State Patrol. Third, upon entering the emergency area, the State Patrol places into effect its own comprehensive plan for controlling the disorder. The State Patrol's plan, however, may not take into consideration the specific needs of the local community and may lead to a reduced level of confidence in the local law enforcement units. Fourth, even the State Patrol and the National Guard working together may not be able to cope with unusual occurrences if they are severe and take place simultaneously in separate communities within the state. Finally, any disturbance which requires the commitment of a large number of state troopers would weaken the ability of the State Patrol to perform its normal duties.

RECOMMENDED STANDARDS

Legislation should be enacted which requires the establishment of a statewide mutual aid plan for the control of unusual occurrences at the local level. The statewide plan should require mutual aid agreements among local governments and should detail the method by which such agreements can be placed into effect. Under the term of each mutual aid agreement, the first call for outside aid should be directed to a pre-determined law enforcement officer who, in turn, could call upon the region-wide coordinator. The state's Adjutant General should act as the statewide coordinator for the regional programs and provide liaison with the Governor's Office where necessary.

To insure the effectiveness of all the mutual aid programs in the state, the state should provide the following:

- A specialized regional training program for local law enforcement officials and municipal and county leaders in developing comprehensive plans of action for the control of unusual occurrences.
- Increased unusual occurrence training in police academies.
- An ongoing technical assistance program directed toward familiarizing local law enforcement agencies with new unusual occurrence methods and material, encouraging these agencies to conduct in-house training exercises, and developing and encouraging interagency and intercommunity agreements relating to the joint provision of services and personnel.

INTERAGENCY COOPERATION AND COORDINATION PHASE I

FINDINGS

Present efforts to promote cooperation and coordination among criminal justice agencies through regional councils have been largely ineffective.

The State Crime Commission operates on a statewide basis performing a planning and coordinating function in the administration of Law Enforcement Assistance Administration (LEAA) funds to cities and counties. The state is divided into 18 area planning and development commissions which administer funds and make grant applications on a regional level. The person responsible for these regional applications is the law enforcement planner on the staff of each area planning and development commission. Each area planning and development commission has established a regional criminal justice advisory council responsible for setting priorities for funding within the area. These councils, however, are ineffective and do not function in an active manner. Similarly, the Georgia Bureau of Investigation established a "council of twenty" in each of its nine regions to allow for citizen input. These councils, however, are no longer active.

RECOMMENDED STANDARDS

The state, through the State Crime Commission should strengthen the role of existing regional criminal justice advisory councils by consolidating them with the Georgia Bureau of Investigation councils of twenty. These newly defined criminal justice coordinating councils located in the eighteen area planning and development commissions should be representative of all components of the criminal justice system. In addition to their former roles, they should concentrate on improving the processing of cases through the system, providing better service to the community and reintegration of the offender into the community. Specifically, these councils should:

- Provide direction in setting goals and objectives in criminal justice for each area planning and development commission;
- Establish goals and priorities at the area planning and development commission level;
- Make recommendations on local grant applications as to their consistency with the state plan;
- Request funds for special projects or experiments affecting the total area planning and development commission's region;
- Provide liaison and coordination among the elements of the criminal justice system; and
- Monitor the effectiveness of programs funded through LEAA.

MINIMUM LEVELS OF CRIMINAL JUSTICE SERVICES PHASE II

FINDINGS

Considerable effort has been exerted to develop comprehensive goals for criminal justice agencies and standards to measure progress in achieving those goals. Basic standards which represent the minimum acceptable service levels that all citizens are entitled to receive from their criminal justice agencies have not been defined. Incentives for local governments to adopt many of the minimum standards have not been developed.

The Georgia Criminal Justice Standards and Goals Study utilized recommendations of criminal justice associations and commissions, such as the American Bar Association, the National Advisory Commission on Criminal Justice Standards and Goals, as well as the experiences of criminal justice agencies in Georgia and throughout the county to develop applicable standards and goals.

The process for implementing standards will involve three strategies. First, the State Crime Commission will determine that some standards require legislation and recommend those to the General Assembly for action. Secondly, some standards will be implemented by adjustments to the state budget or by policy changes in state and local agencies and units of governments. Finally, some standards will affect state or local criminal justice agency programs and will be the object of a public awareness campaign to gain acceptance and implementation. Since many standards that might define minimum levels of criminal justice service could best be implemented by policy changes at the state and local level, the public awareness campaign is a key strategy. Yet, the success of this public awareness campaign depends to some extent on the willingness and capability of the criminal justice agencies to internally implement the standards.

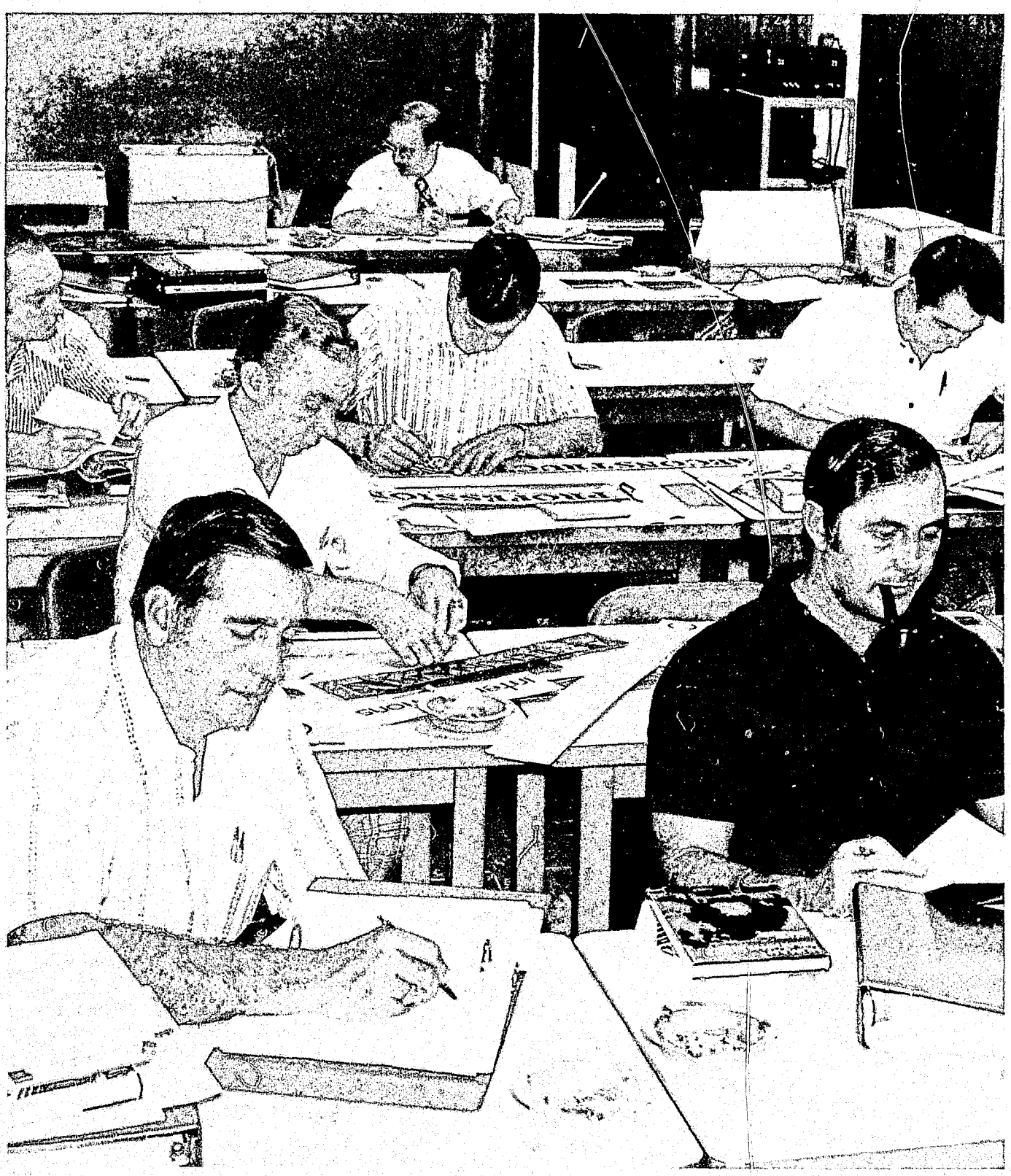
RECOMMENDED STANDARDS

At the conclusion of the Georgia Criminal Justice Standards and Goals Study, the State Crime Commission (SCC) should distribute a draft set of standards which define minimum levels of service to all criminal justice agencies, their representative associations, civic groups and units of government. The SCC should solicit comments from all such groups concerning the recommended minimum standards, and should adopt those considered to be appropriate for the state.

The minimum standards should then be used as to determine eligible applicants for subgrants from the SCC beginning in fiscal year 1977. Agencies would be certified as meeting the minimum standards when each, as a subgrant applicant, signs a certification sheet in the application. Agencies desiring funding from the SCC should pay all costs involved in implementing the minimum standards unless the desired funds are for the purpose of achieving a minimum standard(s).

Staff to the SCC should annually review and evaluate applicable Georgia standards and recommended additions,

deletions or modifications. The review process should determine the effects of the recommended funding policy in improving the quality of services to all Georgians. Should this funding procedure and its related standards prove not to be completely effective, the continuing evaluation and recommendation process should re-evaluate alternative solutions and should recommend further actions. Changes in the minimum standards should be made by the SCC only after comments from the affected agencies and groups have been solicited and reviewed.



GOAL: INSURE THAT HIGHLY QUALIFIED PERSONS ARE ATTRACTED TO CRIMINAL JUSTICE CAREERS THROUGH DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE COMPREHENSIVE CRIMINAL JUSTICE PERSONNEL DEVELOPMENT PLAN THAT INCLUDES JOB CLASSIFICATIONS, RECRUITMENT AND SCREENING, MINIMUM SELECTION STANDARDS, SALARY RANGES FOR EACH CLASSIFICATION, FRINGE BENEFITS, COMPREHENSIVE TRAINING, AND POLICY GUIDELINES IN ALL AGENCIES FOR EMPLOYEE INPUT TO PLANNING AND MANAGEMENT.

SUMMARY OF RECOMMENDATIONS

- The state should upgrade and expand minimum standards for police recruitment and selection and provide annual in-service and advanced training to all local law enforcement officials. In addition, the state should certify law enforcement agencies based on their compliance with the minimum standards, and pay the employers' portion of a standard fringe benefit package for agencies so certified. Comprehensive promotional and recruiting programs should be implemented, and agencies should be mandated to provide incentive pay for college credits completed. *PHASE I, II*

- The state should upgrade police training and certification standards, adopt physical facility standards for training academies, implement an in-service career development program and provide funds to accomplish these goals by the end of 1976. *PHASE I*

- When required, the Governor should fill vacant or newly created judgeships from candidates proposed by a Constitutionally created Judicial Nominating Commission. All judges should be elected in Georgia on a nonpartisan basis in elections held during years other than the years of general elections. *PHASE I*

- The Administrative Office of the Courts should develop and coordinate a comprehensive training program for judges, clerks, court reporters and other court personnel. Current training programs should be continued, encouraged and coordinated through the Administrative Office of the Courts. *PHASE I*

- The state should establish a Georgia Correctional Officers Standards and Training Council to develop minimum standards for the selection, qualification and training of all personnel employed by state and local correctional institutions. This Council also should provide training programs and certify local correctional personnel as being properly qualified and trained to hold their positions. *PHASE I, II*

- A Criminal Justice Training and Education Council should be established to determine the roles of criminal justice personnel, to assess manpower needs and to evaluate training and educational programs. *PHASE II*

RECRUITMENT, SELECTION AND RETENTION OF POLICE PERSONNEL PHASE I, II

FINDINGS

Law enforcement agencies throughout Georgia have experienced serious difficulties in recruiting and retaining competent personnel. Not only is the quality of law enforcement service substandard in many cases, but the annual attrition rate among statewide police agencies has been as high as 44 percent. Georgia law enforcement agencies tend to recruit officers with only minimal amounts of education and to under represent minority populations on the force.

The major factors contributing to the low quality of law enforcement service and the high attrition rate can be categorized as deficiencies in the recruitment, selection and retention of personnel. Each of these processes is related to and has a direct influence on the others. Specific deficiencies which have contributed to the problem are:

- No statewide police recruitment plan – Each law enforcement agency is left to its own devices to identify and attract prospective police personnel.
- No standardized job classification system for sworn or civilian employees – With few exceptions lateral transfers from one law enforcement agency to another are not possible.
- Limited fringe benefits – Georgia has no statewide police insurance or retirement plan, although several individual plans do exist.
- No minimum salaries for peace officers except sheriffs – Salaries range from $3,000 to $9,438 for entry-level police officers throughout Georgia, and approximately fifty percent of the officers currently employed have found it necessary to hold additional jobs.
- Limited scope of minimum qualifications – Minimum qualifications for police recruits were established by the Georgia Peace Officers Standards and Training Act of 1970; however, there are no minimum qualifications for sheriffs, who are elected by popular vote. Although the high school graduation standard is nearly universal most police agencies have forces whose average educational levels are actually lower than twelve years of schooling per man. The Columbus Police Department is the only local law enforcement agency in the state which has an entry requirement of two years of college. Significantly, the Department experiences no difficulty recruiting qualified candidates.
- Inadequate training requirements – The Georgia Peace Officers Standards and Training Act requires that all police officers must receive 240 hours of training within one year of employment; however, it does not require that recruits receive training before they carry a gun and begin active duty. Also, there is no requirement in Georgia for in-service or advanced training beyond the initial recruit training.
- No performance-based promotion criteria – There are very few promotion programs encouraging career development based on merit and performance. Only twenty percent of the state's law enforcement agencies have stated specific promotion criteria related to job performance, and only six percent of the local agencies offer salary incentives for educational achievements beyond high school. The average police officer finds the only advancement avenue open requires him to leave on-the-street police work and move up through the supervisory ranks. Even this process usually requires years of seniority and subjection to written tests and other performance measures which may not be relevant to duties of the desired position.
- Lack of minority representation – Several recent federal court decisions attacked entry level requirements in cities where under representation of minorities is evident and where hiring practices discriminate against minority applicants. In 1973, a suit against the Augusta Police Department charged discrimination in the hiring of blacks. A United States District Court ordered the Augusta Police Department to develop an affirmative action program aimed at rectifying the discriminatory hiring policy. On the state level, the Equal Employment Opportunity Commission (EEOC) has charged eleven state departments, three of which employ sworn peace officers, with discrimination in their hiring, assignment, promotion, and recruitment of blacks and women. The suits are still pending.

  A 1975 survey revealed the percentage of black police officers throughout the state to be less than half the percentage of the black population. The survey also revealed that black representation on local police forces increased significantly in recent years, particularly among the largest police agencies where the percentage has nearly doubled since 1972. The same increase was evidenced for women officers, though they still comprise less than five percent of Georgia's police personnel.
- Lack of internal communications – The state's police agencies also seem to be endangering morale by failing to establish adequate procedures for effective two-way internal communications between management and employees. Most significant is the failure of two-thirds of Georgia's law enforcement agencies to provide a written grievance procedure through which employees can register complaints. Positive programs, such as the use of trained counsellors, the provision of misconduct-

avoidance training, and the hiring of employee relations specialists, are almost non-existent.

RECOMMENDED STANDARDS

The state should establish additional minimum standards for recruitment and selection, and provide annual in-service and advanced training.

A comprehensive, statewide program should be developed and implemented by the Peace Officers Standards and Training Council to promote police career recruiting, particularly among women and minorities to include but not be limited to the college and junior college campuses.

In addition, the state should develop a statewide job classification plan for sworn and civilian employees, a statewide promotional plan based on merit and a statewide fringe benefit program. The promotional plan should include: regular pay increases within every rank; managerial training; a review of the present promotional system; and a six to twelve-month probationary period following every promotion. All agencies with at least 100 sworn personnel should: provide dual career ladders for advancement; provide for employees managerial training and experience; and establish promotion procedures for officers seeking specialist positions.

The state should certify law enforcement agencies based on compliance with these standards and pay the employers' portion of the fringe benefit package for certified agencies. Requirements for certification should also include twenty-four hour patrol and radio communications service, and regular reporting of crime and law enforcement statistics to the Georgia Crime Information Center.

The responsibility for development of statewide standards and agency certification requirements should be assigned to the Peace Officers Standards and Training Council. In addition the Council should be strengthened by the establishment of minimum qualifications for the Executive Director and the professional staff. The Chairman of the Council should be appointed by the Governor from its membership, and the Council by-laws should be amended to provide for removal of members who are chronic absentees.

Law enforcement agencies should develop formal written grievance procedures and establish procedures to allow top-level agency management to receive input from all officers. Furthermore, all agencies should provide employees with a written report which details available benefits and services. Agencies with at least 100 sworn personnel should establish an employees services unit to aid in the administration of fringe benefits and services.

The University System of Georgia should allow college credits for completion of certain recognized and accredited police seminars and/or training sessions.

A comprehensive study should be conducted by the Institute of Government to determine the effectiveness of Georgia policewomen on patrol.

Legislation should be enacted by the General Assembly to include:

- The provision that all law enforcement agencies in the state provide incentive pay, graduated on the basis of college credits completed;
- Written justification for all entry level requirements establishing the relevance of those requirements to the position being filled;
- That upon satisfactory completion of the above justification of job-relatedness, the POST Act be amended to include the following entry level educational requirements: one year of college (45 quarter hours) by 1980; two years of college (90 quarter hours) by 1982. These requirements can be waived if an applicant is enrolled at a college and anticipates meeting the requirements within two years after initial employment.

POLICE TRAINING
PHASE I

FINDINGS

Only half of all peace officers covered under the Georgia Peace Officers Standards and Training Act of 1970 are presently certified as having met basic education and training requirements. The primary reason for this low percentage of certified police personnel is the lack of training.

In addition seventy percent of Georgia's law enforcement officers are exempt from the mandated training, either because of tenure prior to passage of the Act or because they are hired as part-time officers. State law enforcement officers in Georgia have had an average of 249 total hours of training while local officers have had an average of only 119 hours.

There are thirteen certified police academies in Georgia, each offering instruction which meets the state's mandated training requirements. Officers are currently being certified at a rate of 1,350 per year, approximately 600 of whom are being trained at the Georgia Police Academy. The number of graduates from the Georgia Police Academy approximately equals the total of all other academy graduates combined.

Among the various academies in Georgia, training hours presently range from a low of 240 to a high of 640. Also, no written standards have been developed for physical facilities, curriculum, instructor certification, visual aids or resource materials. At least four academies are used primarily to serve the specific needs of the law enforcement agency which sponsors them. There are no assurances of quality instruction control, or whether course content meets peace officer needs.

RECOMMENDED STANDARDS

The state should upgrade police training and certification standards, adopt physical facility standards for training academies, implement an in-service career development program and provide funds to accomplish these goals by the end of 1976. Minimum recruit training should be independently evaluated by 1978, with future course lengths determined administratively without further legislative enactments. In-service career development certification programs should be developed. This program should contain a forty-hour police refresher course, an eighty-hour intermediate course and a forty-hour advance course. The police refresher course should be taught annually to all officers with two years of service, and policy and procedures for annual re-certification of all officers should be developed.

By the end of 1976, an eighty-hour instructor training program to be attended by the 406 currently certified instructors, as well as an eighty-hour middle management training program, should be implemented.

SELECTION, ELECTION AND TENURE OF JUDGES PHASE I

FINDINGS

A Judicial Nominating Commission has been used to nominate candidates for selection by the Governor to fill unexpired terms of newly created judgeships in Georgia. This method has proved to be effective, but having been created by Executive Order is subject to a change in future administrations. Also, the present method of electing judges by popular vote at the end of each term subjects candidates to the influences of partisan politics.

The Georgia Constitution provides that Justices of the Supreme Court and Judges of the Court of Appeals and the Superior Courts be elected by the people. Vacancies which occur during a term, however, are filled by the Governor. Since vacancies usually occur during a term, a majority of the appellate court and superior court judges were originally appointed by the Governor. Prior to the use of the Judicial Nominating Commission, there was no mechanism whereby many qualified candidates who never became involved in politics were considered for appointment.

Election of judges does not always seek out the best and most qualified judicial candidates. Popular elections encourage popular decisions, because most voters have difficulty obtaining adequate information about judicial candidates.

In all Georgia elections above the municipal level, candidates are identified by party label and elected on a partisan basis. Therefore, all judicial candidates appear on the ballot as nominees of a political party. The influence of political parties is heightened by the judicial elections being held at the same time as presidential, gubernatorial and legislative races. This is especially true in years when one party may be strongly favored or disfavored by the electorate.

Candidates for judicial office cannot campaign in the same way as a candidate for Governor and the General Assembly. Candidates for judicial office are governed by the Code of Judicial Conduct which limits their ability to announce their political philosophies. Judicial campaigns also must compete with the large number of other campaigns in general election years. This requires a larger expenditure of campaign funds than would be necessary if elections were held at other times. The frequency of elections also adds to the financial burden of a judicial campaign.

RECOMMENDED STANDARDS

It is recommended that a system of merit for the selection of judges to fill vacancies or newly created judgeships be legislatively established. A ten member Judicial Nominating Commission should be established. Five of the members should be appointed by the Governor as citizen members to serve concurrently with his term. In addition, five members of the State Bar should serve ex-officio: the president, the immediate past president, the next immediate past president, the president-elect and the president of the Younger Lawyers Section.

The Commission should submit to the Governor a list of five qualified nominees for each judicial vacancy, and must hold at least one public hearing to consider recommendations regarding such nominations before submitting the list. The Governor must act within 30 days; should the Governor fail to act within 30 days, the power of appointment would shift to the Judicial Nominating Commission.

All judges should be elected in Georgia on a nonpartisan basis in elections held during years other than the years of general elections. Trial judges should be selected for a term of six years and appellate judges for a term of eight years.

All judges should be prohibited by law from participating in partisan political activity.

TRAINING FOR JUDGES, PROSECUTORS AND PUBLIC DEFENDERS PHASE I

FINDINGS

Little formal training is provided for judges or judicial support personnel when they first enter the court system, or on a continuing basis throughout their careers.

Professional associations, private groups, colleges and universities have offered the primary training for judges, prosecutors and public defenders. Prior to the availability of LEAA funds, training of court personnel was financed by counties and private grants and by individuals attending training workshops and seminars of various kinds. Although the need for this type of training is well documented, Georgia has not assumed the responsibility for training of judicial and other court personnel.

RECOMMENDED STANDARDS

The Administrative Office of the Courts should develop and coordinate a comprehensive training program for judges, clerks, court reporters and other court personnel. Current training programs of the Institute for Continuing Legal Education, the universities and other agencies should be continued, encouraged and coordinated through the Administrative Office of the Courts.

The Georgia Courts Journal, now published by the Administrative Office of the Courts, should be continued, expanded and made available to all court personnel in Georgia. In addition, the Judicial Council should develop bench and training manuals for judges and other court personnel.

The Administrative Office of the Courts should develop a design for training of judges and other court personnel based on the recognition that various functions require different course materials and instruction techniques. Such a design should include detailed course outlines; learning objectives of the various courses; class duration, setting and location; instructor qualifications; and coordination of existing training programs.

RECRUITMENT, SELECTION, RETENTION AND TRAINING OF CORRECTIONS PERSONNEL PHASE I, II

FINDINGS

Correctional training efforts in Georgia are inadequate. Minimum standards for training have not been established, and in-service training programs are insufficiently funded. Personnel practices for recruiting and selecting correctional officers are not systematic and do not conform with Affirmative Action Guidelines.

There is no statutory requirement for mandated training within the Department of Corrections and Offender Rehabilitation (DCOR) although an administrative requirement exists requiring personnel to attend a 120 hour Basic Orientation Program. Because this is a three-week residential program, it is difficult for correctional officers to be released for training due to understaffing. At the local level, only a marginal number of employees of the thirty-eight county correctional institutes have participated in the one-week basic security course available to them through a DCOR mobile training van.

At present there are no merit system screening services for recruitment and selection of correctional staff, since the merit examination for correctional officers has been abolished and only minimal criteria regarding age and education exist. No assessment of relevant job traits is conducted and, in most cases, the traits essential for effective job functioning are not known.

Seventy-five persons currently participate in the DCOR Work-Study Program, a two-year program leading to a master's degree in rehabilitation counseling available through Georgia State University and the University of Georgia. An undetermined number of persons are also on LEEP funds at various other schools.

RECOMMENDED STANDARDS

The Commission recommends that the state establish minimum standards for selection, qualification and training of all personnel employed by State and local correctional institutions. A Georgia Correctional Officers Standards and Training Council should be created similar to the Peace Officers Standards and Training Council which now exists for enforcing minimum standards for peace officers. The Correctional Officers Standards and Training Council should establish by the end of 1976 minimum standards for selection, qualification and training of all personnel employed by state and local correctional institutions. The Council should be authorized to employ a staff to develop and implement training programs for state and local agencies, and certify local correctional personnel. The staff should develop job definitions, classifications, qualifications and selection procedures for all local correctional institutions, including correctional staff in sheriffs' offices. The Council should be legislatively created and attached to the Department of Corrections and Offender Rehabilitation for administrative purposes.

The General Assembly should enact a Mandated Training Act in 1976 and provide monies to continue the current DCOR Work-Study Program to augment career-develop-

ment and advanced in-service education. The adoption of an "Assessment Center" procedure by DCOR would provide for an equitable, legal, and practical method of hiring, promoting, and structuring training requirements.

The General Assembly should also adopt a financial incentive system in order to provide specific salary increments for completed education. This would help stem the turnover rate of more educated and better trained staff, and assure they are utilized to the best advantage of the Department of Corrections/Offender Rehabilitation.

CRIMINAL JUSTICE EDUCATION AND TRAINING PHASE II

FINDINGS

Training and education programs in criminal justice developed as predominately isolated, non-interconnected reactions to immediate needs or to the availability of money. While several coordination efforts were initiated by various agencies, only limited steps were taken to insure that criminal justice education and training programs facilitate the development of relevant and comprehensive knowledge and skills.

Many police academies in Georgia were established before statewide training standards were implemented. However, no similar legislatively imposed standards exist in Georgia for other components of the criminal justice system. The Mid-West Research Institute conducted a study of the training needs for criminal justice personnel within Georgia in 1973-1974. The study developed job descriptions for positions in law enforcement, juvenile justice, adult corrections and courts. A model curriculum for law enforcement agencies is being used by POST to develop a performance-based modular training system to be used in all regional police agencies.

The Staff Development Center for the Department of Offender Rehabilitation is a residential facility which provides orientation training programs for all new corrections personnel, advanced and refresher training in special skills areas and serves as a department-wide resource for developing and disseminating training materials. However, no legislatively established standards for corrections exist.

Beyond the law degree required for judges and prosecutors serving at the county or state level, there are no legal requirements for training judicial personnel. The Mid-West Research Institute report recommended a systems oriented training program which would allow for police, courts and corrections personnel to be exposed to problems and procedures encountered by other component areas of the system with the opportunity for specialization in the training context.

The development of criminal justice academic programs in Georgia was based on a 1966 study which assessed the need and demand for police science degree programs. However, no study of the relevance of course material to the job was conducted. Moreover, there is no evidence that any of the 28 institutions of higher education offering degree programs in criminal justice were established as a result of empirical research on job analyses of people working in the criminal justice system, although a number of programs are supported by advisory committees composed of administrators of criminal justice practitioner agencies. Training and education programs may be job related; however, the inability to establish job relatedness may subject training and education programs in Georgia to serious criticism, and even judicial attack.

RECOMMENDED STANDARDS

The Governor should create a training and education council composed of representatives from the Georgia Sheriffs' Association, the Georgia Police Chiefs' Association, the Department of Offender Rehabilitation, the State District Attorney's Association, the State Judges' Association, the State Peace Officers' Association, the Peace Officers' Standards and Training Council, the Georgia Police Academy, the University of Georgia, and the Georgia Association of Criminal Justice Educators. The Council should serve as a coordinating body to supervise staff in performing the following tasks:

- A comprehensive statewide study should be conducted cooperatively to identify roles, tasks and performance objectives of criminal justice personnel along with an identification of knowledge and skills required.
- A statewide assessment should be made of quantitative manpower needs in the criminal justice system, both for the present and for a specified future period.
- Training and educational programs should be evaluated to determine their capabilities for delivering programs and personnel to meet present and future qualitative and quantitative system needs. This should include a foundation for agreements as to what will and should be the role of training programs and education programs.
- Agreements should be promulgated and work begun to develop, implement and continuously evaluate training and education programs which will provide relevant and comprehensive knowledge and skills for criminal justice personnel.

ISSUES RECOMMENDING NO CHANGE

During the Standards and Goals study, several issues were addressed in which the Commission recommended that current practices be continued. Following is a list of the research papers pertaining to these issues:

PV 2-3	Employment Programs
PV 2-11	Tax Assessment and Licensing
PV 2-12	Housing and Transportation Programs
PD 2-9	Police Labor Relations
CT 2-3	Prosecution of Special Crimes
CT 2-11	Further Review of Litigated Issues
CR 2-9	Legal Framework for Corrections

PENDING ISSUES

Several issues were pending at the end of 1975. These will be acted on by the State Crime Commission during the first part of 1976 and adopted recommendations will become standards. Following is a list of the research papers pertaining to those issues:

CT 2-5	Minor Offense Elimination
CT 2-6	Court System Unification
CT 2-9	Criminal Procedure
CT 2-12	Publication of Opinions
CT 2-13	Effective Imposition of Sentences
CT 2-16	Sentencing Equity
CT 2-17	Juvenile Court Practices

IMPLEMENTED STANDARDS

At the beginning of Phase I it was determined that the following 32 standards and 10 recommendations had already been implemented in Georgia:

PV 3.1	Purpose, Goals and Objectives (for Youth Service Bureaus)
PV 3.2	Decision Structure (for Youth Service Bureaus)
PV 3.3	Target Group (for Youth Service Bureaus)
PV 3.4	Functions (of Youth Service Bureaus)
PV 4.11	State and Local Drug Abuse Treatment and Prevention Coordinating Agencies
PD 4.3	Court Supervised Surveillance
PD 9.4	State Specialists
PD 13.1	Job-Related Ability and Personality Inventory Tests for Police Applicants
PD 13.2	Development and Validation of a Selection Scoring System
PD 13.4	State Mandated Minimum Standards for the Selection of Police Officers
PD 15.1	Identification of Police Educational Needs
PD 16.7	Police Training Academies and Criminal Justice Training Centers
PD 17.5	Personnel Needs
PD 20.1	Entry-level Physical and Psychological Examinations
PD 23.1	Digital Communication System
PD 23.2	Standardized Radio Equipment
PD 23.3	Frequency Congestion
PD 23.4	Police Telecommunications
CT 5.1	The Court's Role in Sentencing
CT 7.4	Judicial Discipline and Removal
CT 10.4	Representatives of Court Personnel
CT 12.1	Professional Standards for the Prosecuting Officer
CT 14.3	Processing Certain Delinquency Cases as Adult Criminal Prosecutions
CR 5.1	The Sentencing Agency
CR 10.4	Probation Manpower
CR 12.5	Organization of Field Services

CR 12.7	Measures of Control
CR 16.4	Unifying Correctional Programs
CR 16.6	Regional Cooperation
CR 16.15	Parole Legislation
CR 16.16	Pardon Legislation
SYS 1.1	Federal Criminal Justice Planning (Recommendation)
SYS 7.1	Data Elements for Offender-Based Transaction Statistics (OBTS) and Computerized Criminal History Records (CCH)
SYS 7.2	Criminal Justice Agency Collection of OBTS-CCH Data
SYS 7.3	OBTS-CCH File Creation
SYS 7.4	Triggering of Data Collection
SYS 13.1	Criminal Code Revision
SYS 13.2	Completeness of Code Revision
SYS 13.5	Organization for Revision
SYS 13.7	Code Commentaries
SYS 13.9	Continuing Law Revision

Research during Phase II of the Standards and Goals study revealed that the following NAC Standards and Recommendations have also been implemented in Georgia:

PV 4.3	Methadone Maintenance Treatment Programs
PV 4.5	Therapeutic Community Programs
PV 4.9	Training of Treatment Personnel
PV 4.11	State and Local Drug Abuse Treatment and Prevention Coordinating Agencies
PV 4.12	State and Local Relationships to and Cooperation with Federal Drug Abuse Prevention and Treatment Activities
PV 12.1	Establishing a State Procurement Office
CT 6.2	Professional Staff
CT 6.2	Problems Outside the Courts (Recommendation)
CT 6.3	Advisory Council for Appellate Justice
CT 10.4	Representativeness of Court Personnel
CT 14.3	Processing Certain Delinquency Cases as Adult Criminal Prosecutions
CR 2.11	Rules of Conduct
CR 2.15	Free Expression and Association
CR 5.14	Requirements for Presentence Report and Content Specifications
CR 11.10	Prison Labor and Industries
CR 12.4	Revocation Hearings
CR 14.5	Employment of Volunteers
CR 14.10	Interns and Work-Study Programs
CR 16.14	Community-Based Programs
SYS 4.6	Expanded Crime Data
SYS 7.4	Triggering of Data Collection
SYS 7.5	Completeness and Accuracy of Offender Data
SYS 7.6	Separation of Computerized Files
SYS 7.7	Establishment of Computer Interfaces for Criminal Justice Information Systems
SYS 8.1	Security and Privacy Administration
SYS 8.2	Scope of Files
SYS 8.3	Access and Dissemination
SYS 8.4	Information Review
SYS 8.5	Data Sensitivity Classification
SYS 8.6	System Security
SYS 8.7	Personnel Clearances
SYS 8.8	Information for Research
SYS 9.1	Standardized Terminology
SYS 9.2	Programming Languages
SYS 9.3	Teleprocessing
SYS 10.3	System Planning

From the beginning of the Criminal Justice Standards and Goals Study, implementation of the study's recommendations has been stressed. As a direct result of the work accomplished during Phase I, the 1975 General Assembly passed an appropriations bill containing $1,038,000 for implementation of Standards and Goals recommendations. In addition, the State Crime Commission, in its 1975 Action Plan for allocation of federal LEAA funds in Georgia approved $559,661 for implementation of Phase I recommendations.

Twenty-three bills were introduced in the 1975 legislative session fully or partially implementing 21 of the study's recommendations. Bills concerning police training, radio communications, "contract" sentencing and campaign financing were passed and 15 others were pending at the end of the Session. These pending bills will be considered by the 1976 General Assembly. Legislation will also be introduced in 1976 for the implementation of selected Phase II recommendations.

Many of the Standards and Goals study's recommendations do not require legislative action and can be accomplished by policy and procedural changes. As a result of recommendations made in Phase II position paper Systems 2-4, Correctional Planning, the Youth Services Section of the Department of Human Resources was raised to division status and received two additional planning positions.

Implementation of the study recommendations is continuing to be stressed and copies of the Phase I and Phase II approved position papers are being sent to state and local criminal justice agencies to insure that the research supportive of needed changes is disseminated throughout the state's criminal justice system.

I. CRIME TO ARREST

The criminal justice system is activated by the commission of a crime and the apprehension or identification of a suspect. There are three general ways of charging a suspect with a violation of the law: he may be arrested at the scene of the crime by a police officer or a citizen; action may be initiated by the Grand Jury in the form of an indictment; or a complaint may be made directly to the police or the magistrate and an affidavit sworn and warrant issued.

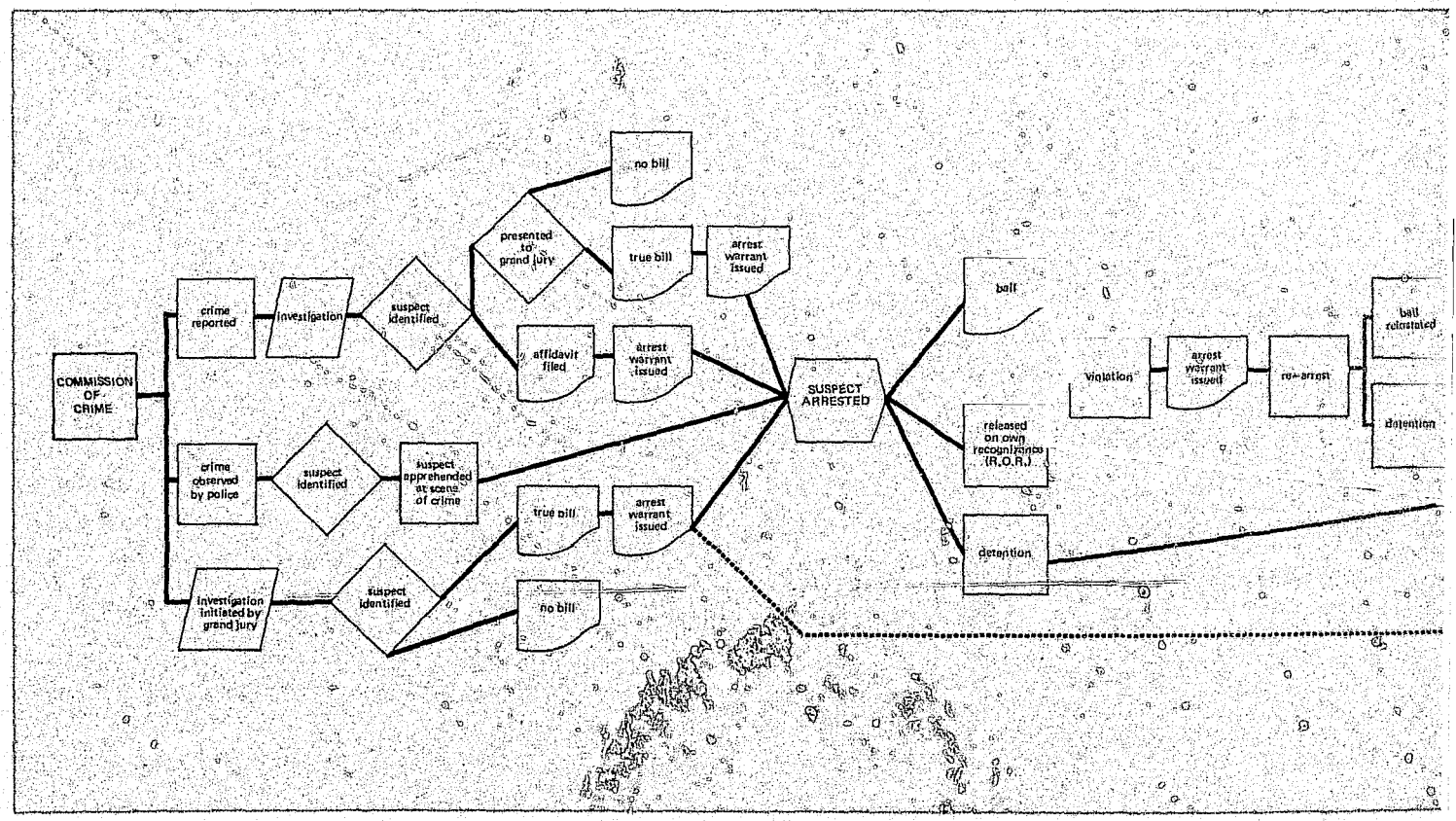
The magistrate function is implied on the accompanying chart under the "warrant issued" step. It is his duty, through independent determination, to substantiate that probable cause exists for the issuance of an arrest warrant. The magistrate refrains from issuing a warrant where information or accusations are vague or insufficient.

II. ARREST TO COMMITMENT HEARING

After the suspect is arrested, he may post bond, except in capital cases where this matter is left to the discretion of the Superior Court Judge. In all misdemeanor cases, and in most felony cases, bond is established by the magistrate or the judge issuing the warrant. The accused, at this point, may waive the commitment hearing if he was not indicted by the Grand Jury prior to arrest. No commitment hearing is granted to a person who has been indicted by the Grand Jury, since this procedure does, in fact, establish probable cause. Bail procedure is shown only at this point on the flow chart; however, the bail process may be encountered at various points in the criminal justice system. The bail procedure is the process by which the accused is temporarily released from confinement pending court action. If the magistrate approves, the accused simply agrees to appear in court and is released on his own recognizance. Normally, however, he must put up a bond or cash to guarantee his appearance. If a defendant on bond does not appear in court, a warrant is issued for his arrest.

After conviction and notice of appeal, bail is granted at the discretion of the court, except in misdemeanor cases where bail is a right.

/ OF THE OFFENDER THROUGH THE CRIMINAL JUSTICE SYSTEM....ATLANTA METROPOLITAN REGION



III. COMMITMENT HEARING TO ARRAIGNMENT

The appearance of the suspect before the committing magistrate determines whether or not there is probable cause for the arrest, that is, the probability that the charges are true. This is the function of the commitment hearing. If there is not probable cause, charges will be dismissed. However, the Grand Jury can still bring an indictment. If probable cause is established, the case will be bound over for arraignment. The committing magistrate can also bind the accused over for Grand Jury Hearing.

IV. ARRAIGNMENT TO TRIAL

Arraignment is the next step. It is at this hearing that the charges are formally read and a plea is made by the defendant.

There is a variety of pleas which the defendant may make. The most common plea is guilty, which makes a trial unnecessary and results in sentencing. The plea of guilty to a lesser charge is frequently made, usually after negotiation between the prosecution and the defense. Either of these pleas may be changed to a not guilty plea before the judge signs the sentence. A plea of nolo contendre is not a formal admission of guilt but is a plea of no contest to the charge; it cannot be used as an admission of guilt in any collateral civil proceeding. A plea of not guilty leads to the setting of the case for trial.

If the defendant makes an issue of insanity or a mental disorder whereby he is unable to assist his attorney in his defense, he is required to file a written special plea of insanity. The grounds for general insanity at the time of the commission of the crime must be raised at the trial itself. However, if a substantial issue of insanity is raised at any step of the proceedings, it would be incumbent upon the court to inquire into the matter and hold a hearing if deemed necessary by the judge.

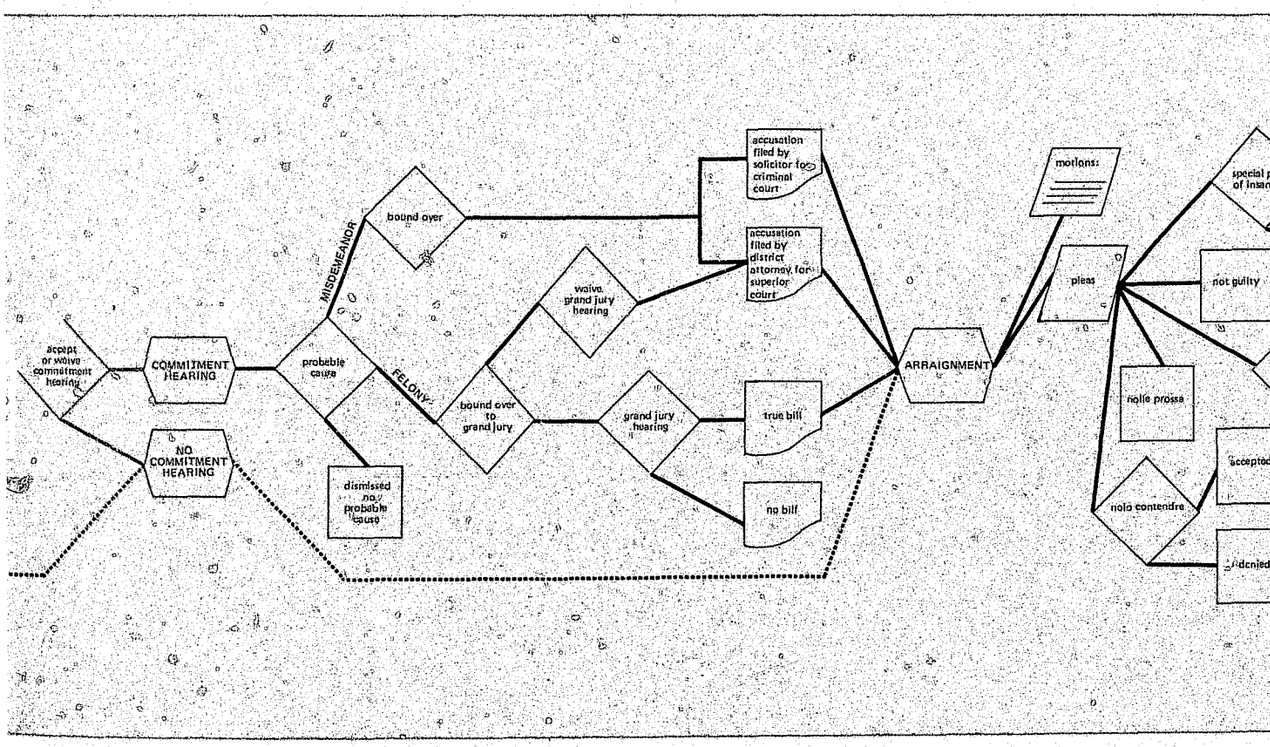
V. TRIAL TO SENTENCE - RETURN TO SOCIETY

The trial is the backbone of the judicial process. While a relatively low number of cases actually reach a jury by trial and not many exits are available until the final decision, the trial itself influences the entire judicial process.

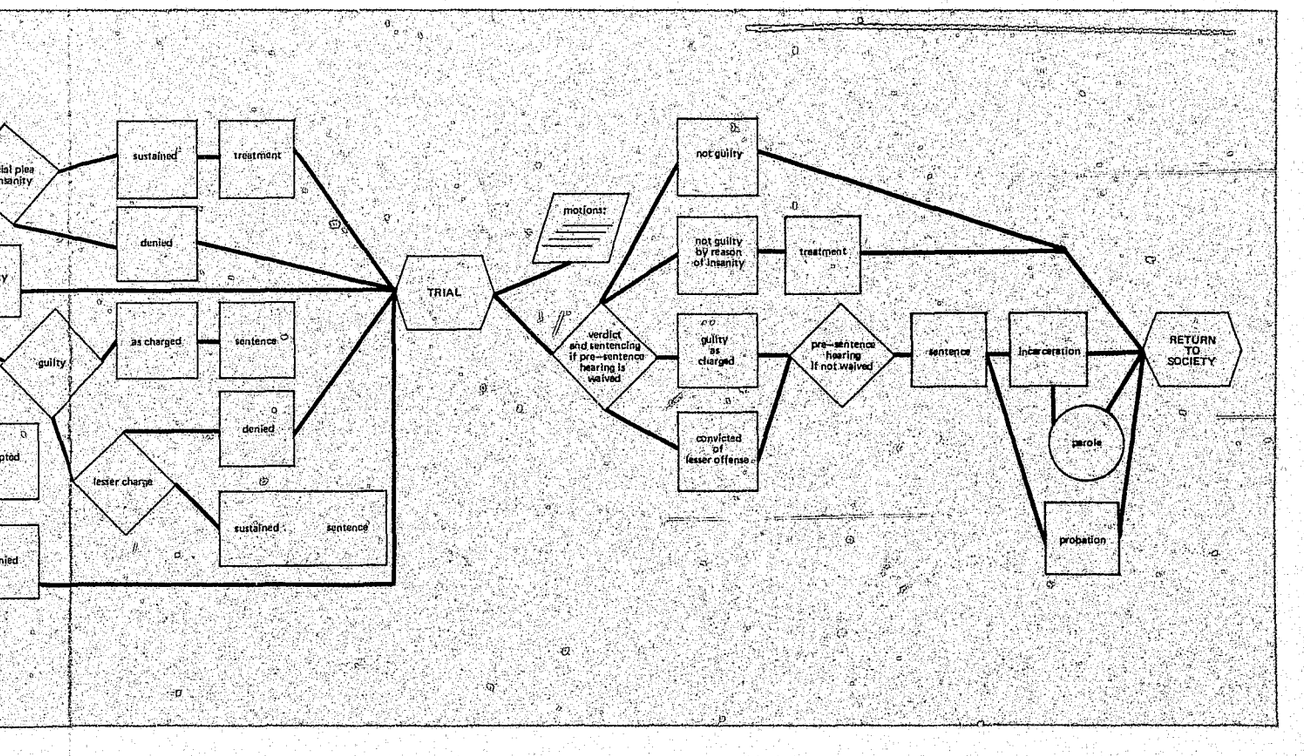
The verdict may take many forms. The general insanity claim is available as a defense during the trial. If the verdict is not guilty by reason of insanity, the defendant is sent to an institution. If the defendant is adjudged not guilty as charged, or not guilty of any lesser offense, he is discharged.

The jury may return a verdict of guilty as charged or guilty of a lesser included offense. Once adjudged guilty, sentence is determined by the judge after a pre-sentence hearing at which additional evidence is presented. The judge sets the sentence within limits provided by statutes for the crime committed. In certain felony cases, the jury may sentence the defendant as a misdemeanant. The judge may suspend or probate the sentence under certain rules and regulations. The defendant either serves his time and is discharged or paroled back into society or appeals the case.

FLOW OF THE OFFENDER THROUGH THE CRIMINAL JUSTICE SYSTEM....ATLANTA METROPOLITAN REGION



FLOW OF THE OFFENDER THROUGH THE CRIMINAL JUSTICE SYSTEM....ATLANTA METROPOLI



GEORGIA'S CRIMINAL JUSTICE PROCESS

The criminal justice system in Georgia and elsewhere evolved over the history of our nation. It is based on the principle that a person may be punished by the government if an impartial and deliberate process proves he has violated a specific law.

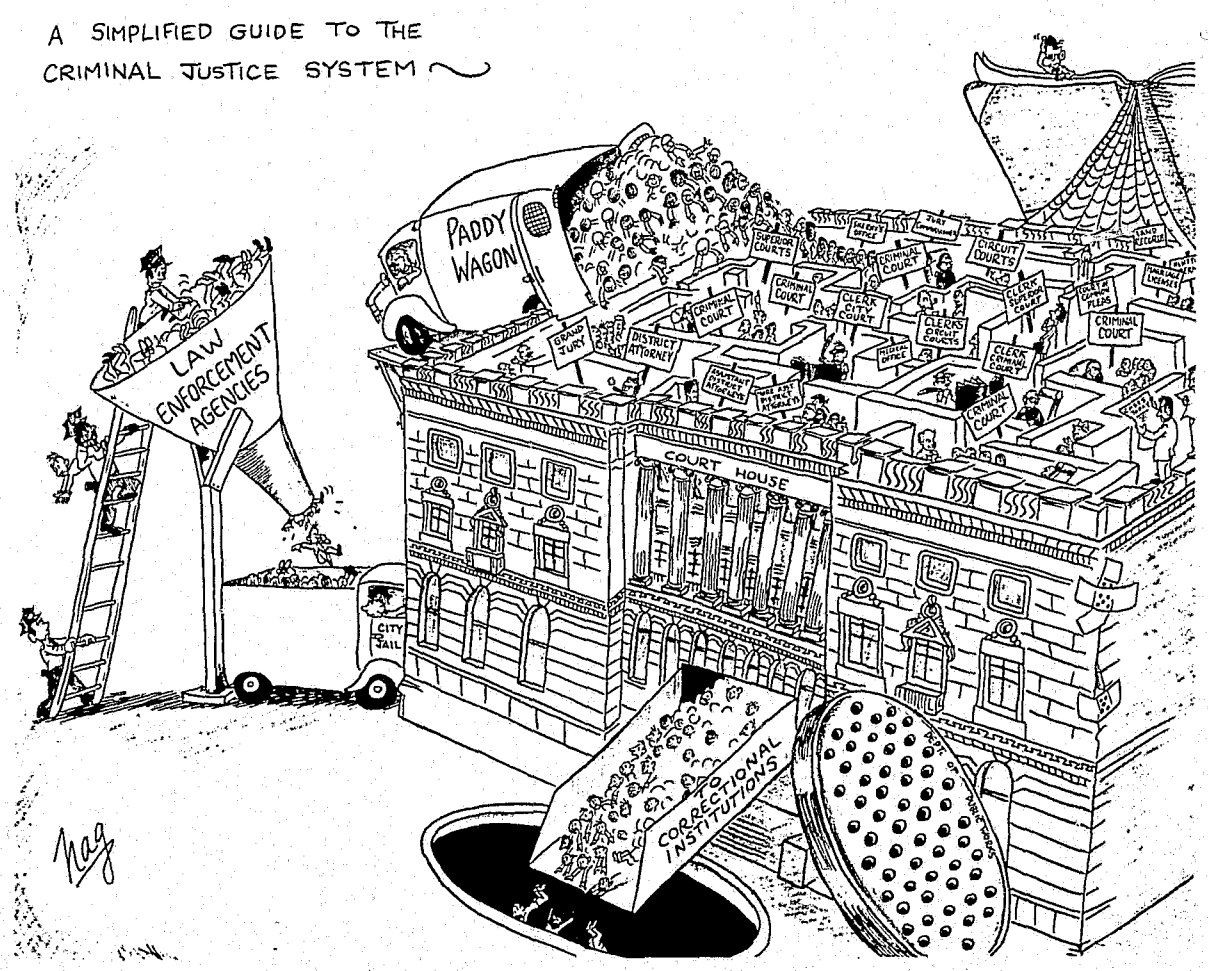
Over the years layers of institutions and procedures have accumulated. Some were carefully constructed and others were improvised. They do not comprise a neat, orderly and consistent package.

Each state and, to a certain extent, each local community maintains governmental institutions that fill special needs. All have similar operations but each one has local peculiarities.

The three separately organized components of the criminal justice system are the police, courts, and corrections. When a crime is committed and the criminal apprehended there is a progression of events involving the criminal and his disposition.

Georgia's criminal justice process, graphically illustrated and explained on the preceding pages, was included to acquaint the reader with the progression of events that can take place.

For those who may enjoy a simplified version of the criminal justice system, the following cartoon is reprinted with kind consent of the Advisory Commission on Intergovernmental Relations from *State-Local Relations in the Criminal Justice System, 1971.*



ACKNOWLEDGEMENTS

PHASE I

STATE OF GEORGIA
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GOVERNOR JIMMY CARTER

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Thomas S. Chambless, Attorney, Albany
John E. Girardeau, Attorney, Gainesville
Charles R. Taylor, Superintendent, Georgia Police Academy, Atlanta

PHASE I — ACKNOWLEDGEMENTS

PROJECT MANAGEMENT

PROJECT DIRECTOR
JIM E. HIGDON

Assistant Project Directors
Lowell D. Evjen
John W. Kelly

STUDY TEAM LEADERS

CRIME PREVENTION
N. D. Collins, Atlanta Police Department

POLICE
James E. Peeler, State Crime Commission

COURTS
Dr. Melvin Gutterman, Emory University, School of Law

CORRECTIONS
W. Scott Fulton, State Crime Commission

SYSTEMS
Charles L. Harmon, State Crime Commission

PERSONNEL DEVELOPMENT
Rachel B. Champagne, Atlanta Regional Commission
Robert E. Croom, Georgia State University

PROJECT STAFF PARTICIPANTS

Glenn E. Bennett
Norma W. Bergman
Bonnie Boone Bragg
Linda S. Brett
Walter B. Bryson
David J. Burbidge
Norma Butler
Carl E. Claiborne
Richard B. Cobb
James R. Colvin
Samuel W. Cruse
Margaret A. Edwards
Robert Flanders
Sidney L. Flynt
J. Frank Fowler
Cheryl Coggin Glover
Hiram Grogan
Richard A. Hammock
Christopher Herndon
Douglas C. Ikleman
Ann M. Jones
Marsha C. King
Jeffrey J. Knowles
Cheryl B. Kragh
John D. Marshall, Jr.
Erick Moran
Charles C. Olson
Cheryl Purvis
Judith Anne Riley
Janice H. Robbins
William H. Roper
David M. Schiff
Barbara Seymour
Herbert D. Shellhouse
Michael G. Sherberger
Gene Slade
Lorine Smith
Annette Spencer
Stroud Phillip Stacy
David R. Trippe
Dan Bessent Wingate

GRAPHICS

Wilma S. Burns/June Dickerson

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Charles Kent, Tift County Board of Commissioners - local pol - in Tift on
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James Thompson, Chairman, Georgia State United Auto Workers Community Action Program Council, Smyrna
Franklin Thornton, Sheriff, Walton County

PHASE II — ACKNOWLEDGEMENTS

PROJECT MANAGEMENT

PROJECT DIRECTOR
GENE SLADE

Assistant Project Directors
Joseph A. Mitchell
Robert L. Flanders

PROGRAM MANAGERS

N. D. Collins
Thomas C. Stringer, Jr.
W. Lynn Taylor

PROJECT STAFF PARTICIPANTS

Ray Abernathy
Lew Alder
Mattie Anderson
Ethel Andersen
Glenn E. Bennett
Jeffrey Bragman
Mary J. Brooks
T. K. Carroll, Jr.
Neil Chamelin
John Cole
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Mike Edwards
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David Otto
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Kathleen Quinn
Jim Ryan
Peggy E. Rainwater
Judy Riley
Suzanne Russell
Steven Schechter
Barbara Seymour
Ward Seymour
Sarah K. Strother
Leon Taranto
Robert Varsha
Donald Winston

GRAPHICS

Wilma S. Burns

AGENCIES CONTRIBUTING ASSISTANCE PHASE I and PHASE II

Atlanta Bureau of Police Services

Atlanta Regional Commission

Emory University, School of Law

Georgia State University, School of Urban Life

Metropolitan Atlanta Crime Commission

Prosecution Clinic – Mercer University

University of Georgia, Police Science Division

STATE OF GEORGIA

Department of Administrative Services

Department of Community Development

Department of Human Resources

Department of Corrections/Offender Rehabilitation

Department of Public Safety

Georgia Bureau of Investigation

Judicial Council, Administrative Office of the Courts

Office of the Governor

Office of Planning and Budget

State Crime Commission

INSTRUCTIONS FOR ORDERING REPORTS AND RESEARCH PAPERS

Additional copies of this report and the study's research papers can be obtained by writing the Administrator of the State Crime Commission at the address listed below. When ordering research papers, please include the topic heading and the appropriate paper number(s) provided in the table which follows.

Administrator
State Crime Commission
1430 W. Peachtree Street
Atlanta, Georgia 30309

TOPIC HEADING	PAPER NUMBER
MINIMIZE UNDERLYING CONDITIONS	
Handgun Control	PV-6
Education Programs	PV 2-3, PV 2-5, PV-3
Drug Abuse Treatment and Education	PV-2B&C
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Bob Flanders
Cheryl Glover
Neal Higgins
Teresa C. Norton
Tom Stringer
Tommy Thompson

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