Report of the First Annual Minnesota Conference on Criminal Justice

ed By The Minnesota Standards and Goals Project

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INTRODUCTION

The First Annual Minnesota Conference on Criminal Justice was held October 6, 7 and 8, 1974, at the Kahler Hotel in Rochester, Minnesota. The Conference was co-sponsored by the Governor's Commission on Crime Prevention and Control and the Minnesota Corrections Association. The program marked the first statewide meeting for representatives of all facets of the criminal justice system to discuss current problems, needs and future improvements.

On behalf of the staff of the Minnesota Standards and Goals Project I would like to thank Richard Mulcrone, former president of the Minnesota Corrections Association and Jay Lindgren and David Griffin, MCA co-chairmen of the Conference for their time and assistance in preparing for the meeting and their help in the conduct of it. A great many people from the Corrections Association and from the Minnesota Department of Corrections also should be thanked for their considerable input.

The Standards and Goals Project is hopeful that the interest displayed by the Conference participants will continue throughout the coming year and that contributions of criminal justice professionals and interested citizens throughout Minnesota will insure that meaningful criminal justice standards can be submitted by the Task Force to the Governor's Commission on Crime Prevention and Control for its consideration.

Minnesota Standards and Goals Project Director

SUMMARY OF CONFERENCE PROGRAM

The program of the First Annual Minnesota Conference on Criminal Justice was designed to be a working meeting for criminal justice practitioners from all parts of the criminal justice system as well as interested citizens and elected officials. Unlike statewide Standards and Goals Conferences in other parts of the country the Minnesota program was the starting point of the standards and goals development process rather than the final step. The primary purposes were to provide orientation to the content of the National Advisory Commission standards and to encorage general discussion about their applicability to Minnesota. It was hoped that this general and broad discussion would provide the Task Force with some initial input about the priority concerns of Minnesota's criminal justice system.

The Conference program provided, during its two-and-one-half days, 8 hours of workshop discussion and 8 hours of plenary sessions. Nationally recognized speakers familiar with the Advisory Commission work and the Law Enforcement Assistance Administration's strategy for state by state standards development participated in each full meeting. These general sessions focused on the current status of other states' efforts in the Standards and Goals area (Mr. Charles Work, Deputy Administrator of LEAA); the impact of the National Advisory Commission recommendations on law enforcement agencies throughout the country (Col. Ray Pope, formerly Commissioner of Public Safety for the state of Georgia and member of the National Advisory Commission); new trends in court administration and management resulting from the American Bar Association and National Advisory standards (Mr. Edward McConnell, Director of the National Center for State Courts); and finally, the need for continued innovation in the corrections field and implementation of the recommended standards (Mr. William Nagel, Director of the American Foundation and member of the National Advisory Commission Task Force on Corrections).

In order to encourage "cross-system" discussion of the criminal justice issues raised by the National Advisory Commission reports, Conference materials were prepared for eight topical areas rather than the four traditional subsystem areas of Corrections, Courts, Police and Prevention. These topical areas, as well as their use in the workshop activities, are discussed in a later section of this report.

CONFERENCE PARTICIPATION

The First Annual Minnesota Conference on Criminal Justice drew approximately four hundred participants from throughout Minnesota. In addition nearly 60 project staff, Task Force members, group leaders and speakers took part in the Conference program.
Of the total number in attendance, approximately 46 percent were from correctional agencies and programs, 22 percent from law enforcement agencies, 7 percent from Minnesota courts, 7 percent from prevention programs and 17 percent from elected bodies, citizen groups and colleges and universities in Minnesota. Of these, approximately 25 percent held administrative or supervisory positions in their respective agencies. The remaining participants were on-line law enforcement personnel, probation and parole agents, clerks of court, and interested citizens.

A complete list of Conference participants and their agencies and organizations is available on request from the Minnesota Standards and Goals Project.

THE STANDARDS AND GOALS PROCESS IN MINNESOTA

In support of the National Advisory Commission's work, the 1973 amendments to the Omnibus Crime Control and Safe Streets Act (LEAA's enabling legislation) included a stipulation that, by 1976, each state should have examined the NAC recommendations and other important criminal justice standards (such as those of the American Bar Association) and should have incorporated into its planning process crime reduction goals and standards suitable to its own needs.

LEAA has committed itself to standard-setting processes throughout the country. To date, approximately 15 states have completed a review of the NAC recommendations and have prepared proposed standards for use in planning activties. Minnesota recently began this process.
In August, 1974, Minnesota received a discretionary fund grant award from LEAA's Office of National Priority Programs to support a standards and goals project. In September, the Honorable Leonard Keyes, chairman of the Governor's Commission on Crime Prevention and Control, appointed a 36-member Minnesota Task Force on Criminal Justice Standards and Goals. The members represent

all segments of Minnesota's criminal justice system, elected officials and interested citizens. The Task Force also balances metropolitan and outstate criminal justice interests and the interests of statewide criminal justice agencies.

Ed Novak, Commissioner of Public Safety and former state senator, was named chairman of the group. The task force will be working for approximately a year and will review all NAC recommendations and develop proposed standards tailored to the needs of Minnesota's criminal justice system.

The Minnesota task force is concerned with maintaining the public interest and involvement displayed at the Rochester meeting and will sponsor a series of seven public hearings during the coming months. Hearings will be held in each of the Crime Commission's planning regions and will provide an opportunity for persons to discuss with the task force the substantive issues addressed by the NAC standards, as well as the applicability of specific standards in any given community or area.

The task force itself has been organized into six working subcommittees, which will be meeting monthly in addition to the public hearings and will be conducting a systematic review of NAC recomendations. An attempt has been made to insure cross-system discussion of all of the standards, and each subcommittee's membership includes corrections, citizen, courts, and law enforcement representation. The six committees are: Community Crime Prevention; Institutional and Community Corrections; Juvenile Justice; Detection, Deterrence, and Apprehension; the Court Process; and Pretrial Services and Procedures.

It is anticipated that the Task Force will have completed its preliminary work by June and will have a draft of standards and goals by July. Draft proposals will be reviewed at seven regional meetings during late July and, after incorporation of recommended changes, will be presented for consideration by the Governor's Commission on Crime Prevention and Control in September.

In supporting projects similar to Minnesota's effort, LEAA has been committed to two objectives: first, to provide a mechanism for increased citizen attention to the problems of criminal justice and, secondly, to focus on quantifiable crime reduction goals and the setting of criminal justice standards which can provide a basis for effective allocation of limited resources.

The National Advisory Commission and other major professional groups have provided a variety of criminal justice standards for review. Not all standards are applicable in all states or in all areas of any particular state. Through implementation efforts of the American Bar Association and through LEAA's commitment to standard-setting processes, these national groups are insuring that local considerations be of primary concern. Through the work of the Minnesota Task Force and through the continued involvement of persons in a variety of Minnesota's criminal justice agencies, a comprehensive set of standards can be proposed for utilization in the improvement of our planning capability and criminal justice system.

A complete list of the members of the Minnesota Task Force on Criminal Justice Standards and Goals is included at the end of this report.

REPORTS OF WORKSHOP GROUPS

During the two and one-half day Conference twenty-three separate workshops met to discuss the National Advisory Commission recommendations. The purposes of the workshops were two-fold: first, to provide workshop participants with an understanding of the content of the NAC Standards; and secondly, to solicit suggestions for the Task Force about specific standards, about the priority of issues addressed by the standards and about areas **not** addressed by the NAC which should be considered by Minnesota's Task Force.

The National Advisory Commission Standards were organized into eight separate categories: Community Crime Prevention; Court Processes; Institutional and Community Corrections; Juvenile Justice; Detection, Deterrence, and Apprehension; Pre-Trial Services and Procedures; Manpower Training and Development; and Planning, Research and Information Systems.

Group leaders were selected from a variety of Minnesota criminal justice agencies. During the training session for group leaders held prior to the Conference, the types of questions that should be addressed by workshop participants were discussed. It was hoped that each workshop group would select a few standards within their category which were of most interest to them. After this selection participants were asked to respond to the following questions relative to the standard:

Major issues standard is concerned with

What general problem is standard addressing?
Is that problem evident in Minnesota?

Is the problem evident in certain types of agencies or programs, rather than the others?

Is the problem evident in certain communities or areas rather than others?

Types of information needed to determine suitability or applicability of standard

What information is necessary about the existing system to determine the suitability of this standard?

Is the information available concerning this standard?

What information gaps are there that make it difficult to assess the standard?

Does available information vary among agencies, locations, etc.?

Recommendations about standard

Is the standard useful?

Is the standard relevant to Minnesota situations?

Are only parts of the standard acceptable?

What alternatives might be more acceptable or appropriate?

Should sections of the standard be expanded, deleted, more detailed, less specific?

Justification for the recommendation

What issues were considered in coming to recommendation?

How do group members justify changes?

What issues are most important in developing alternatives?

Implementation

Based on the perceptions, experience of workshop participants, is implementation of recommended standard feasible?

What are the most suitable means?

Are they legislative? Voluntary? Through funding guidelines? Administrative requirements?

When could such a standard be implemented?

Are there political problems concerning the standard?

What are the major financial considerations?

Are there other implementation obstacles?

The following reports of the workshop groups were submitted by the individual group leaders. In some cases the three group leaders in a given category submitted a collective report and in others all leaders submitted separate reports. Each category's reports are preceded by lists of the NAC standards considered in that group.

The following persons served as group leaders for the 23 workshops:

Community Crime Prevention

#1 Mr. Forest Lowery
Director
Hennepin County Alcohol Safety Action Project

#2 Ms. Marlys McPherson
Director
Minnesota Crime Watch

#3 Ms. Beverly Tallman
Planner
Governor's Crime Commission

Detection, Deterrence, and Apprehension

#4 Mr. Paul Linnee
Planner
Governor's Crime Commission

#5 Mr. Charles Alexander*
Chief of Police
Mankato, Minnesota

#6 Mr. David Gorski*
Director
Golden Valley Public Safety Dept.

The Court Process

#7 Ms. Judith Harrigan
Staff Attorney
Legal Aid to Minnesota Prisoners

#8 Mr. Laurry Harmon
Director
Continuing Education for State Court Personnel

#9 Ms. Sandy Holien
Planner
Governor's Crime Commission

Pre-Trial Services and Procedures

#10 Mr. Tom Griffiths
Hennepin County Pre-Trial Services

#11 Mr. Robert Hanson
Director
Project Remand

#12 Mr. John Stewart
Operation De Novo

Juvenile Justice

#13 Ms. Ann Jaede
Planner
Governor's Crime Commission

#14 Ms. Jayne Beck
Director
Urban League Street Academy

#15 Ms. Nancy Sperry*
City-School Coordinator
Willmar Police Department

Institutional and Community Corrections

#16 Mr. Dale Parent
Research Analyst
Parole Decisions—Research and Training Project
Department of Corrections

#17 Mr. Jay Lindgren*
Director
PORT of Olmsted County

#18 Mr. Joe Hudson
Director
Research and Planning
Department of Corrections

Manpower Development and Training

#19 Judge Jack Weyrens
Lac Qui Parle County Judge

#20 Ms. Sandy Larson
Planner
Governor's Crime Commission

#21 Sister Cathan Culhane
Director, Criminal Justice Program
College of St. Benedict
St. Joseph, Minnesota

Planning, Research, and Information Systems

#22 Ms. Cynthia Turnure
Planning Director
Governor's Crime Commission

#23 Mr. John O'Sullivan
Director
Hennepin County Criminal Justice Council

*Member—Minnesota Task Force on Criminal Justice Standards and Goals.

NATIONAL ADVISORY COMMISSION STANDARDS REVIEWED BY THE *COMMUNITY CRIME PREVENTION* WORKSHOP GROUPS

STANDARD	TITLE
Citizen Involvement and Government Responsiveness	
CCP Recommendation 2.1	Resource Allocations
CCP Recommendation 2.2	Decentralization Mechanisms
CCP Recommendation 2.3	Public Right-to-Know Laws
CCP Recommendation 2.4	Informing the Public
CCP Recommendation 2.5	Public Hearings
CCP Recommendation 2.6	Neighborhood Governments
CCP Recommendation 2.7	Central Office of Complaint Information
CCP Recommendation 2.8	Action Line
CCP Recommendation 10.1	Ethics Code
CCP Recommendation 10.2	Ethics Board
CCP Recommendation 10.3	Disclosure of Financial Interests by Public Officials
CCP Recommendation 10.4	Criminal Penalties
Programs for Drug Abuse Treatment and Prevention	
CCP Recommendation 4.1	Multimodality Treatment Systems
CCP Recommendation 4.2	Crisis Intervention and Emergency Treatment
CCP Recommendation 4.3	Methadone Maintenance Treatment Programs
CCP Recommendation 4.4	Narcotic Antagonist Treatment Programs
CCP Recommendation 4.5	Therapeutic Community Programs
CCP Recommendation 4.6	Residential Programs
CCP Recommendation 4.7	Variations in Treatment Approach
CCP Recommendation 4.8	Voluntary Court Referral of Addicts
CCP Recommendation 4.9	Training of Treatment Personnel
CCP Recommendation 4.10	Drug Abuse Prevention Programming
CCP Recommendation 4.11	State and Local Drug Abuse Treatment and Prevention Co-ordinating Agencies
CCP Recommendation 4.12	State and Local Relationships to and Co-operation with Federal Drug Abuse Prevention and Treatment Activities
Programs for Employment	
CCP Recommendation 5.4	Job Opportunities for Offenders and Ex-offenders
CCP Recommendation 5.5	Removing Employment Barriers
CCP Recommendation 5.6	Public Employment Programs
CCP Recommendation 5.7	Employment Opportunities for Former Drug Users
CCP Recommendation 5.8	Employment Policy
CCP Recommendation 5.9	Anti-discrimination Business Policy
CCP Recommendation 5.10	Assisting Minority Business
CCP Recommendation 5.11	Housing and Transportation Services

Programs for Education

CCP Recommendation 6.4	Improving Language Skills
CCP Recommendation 6.8	Use of School Facilities for Community Programs

Programs for Religion

CCP Recommendation 8.1	Supporting and Promoting Community Involvement
CCP Recommendation 8.2	Informed Constituents
CCP Recommendation 8.3	Creating a Climate of Trust
CCP Recommendation 8.4	Use of Church Facilities for Community Activities
CCP Recommendation 8.5	Support of Criminal Justice Reform

Programs for Reduction of Criminal Opportunity

CCP Recommendation 9.1	Use of Building Design to Reduce Crime
CCP Recommendation 9.3	Street Lighting Programs for High Crime Areas
CCP Recommendation 9.4	Shoplifting Prevention Programs
CCP Recommendation 9.6	Crime Prevention and Law Enforcement Agencies

The Police Role

Police: 1.1	The Police Function
Police: 1.2	Limits of Authority
Police: 1.4	Communicating with the Public
Police: 1.6	Public Understanding of the Police Role
Police: 1.7	News Media Relations
Police: 3.1	Crime Problem Identification
Police: 3.2	Crime Prevention
Police Recommendation 4.1	Alcohol and Drug Abuse Centers

Court Community Relations

Courts: 10.2	Court Information and Service Facilities
Courts: 10.3	Court Public Information and Education Programs
Courts: 10.7	Compensation of Witnesses
Courts: 13.1	Availability of Publicly Financed Representation in Criminal Cases
Courts: 13.2	Payment for Public Representation
Courts: 13.3	Initial Contact with Client
Courts: 13.4	Public Representation of Convicted Offenders
Courts: 13.6	Financing of Defense Services
Courts: 13.9	Performance of Public Defender Functions
Courts: 13.13	Community Relations

Workshop Number: 1
Workshop Category: Community Crime Prevention
Workshop Leader: Forest Lowery

The workshop participants did not discuss all of the recommendations and standards presented, choosing instead to concentrate on those issues it felt most necessary to bring to the attention of the Task Force.

Participants did individually review the 60 recommendations and standards and were asked to bring up for discussion any which they felt lacked merit or were inappropriate to Minnesota. Likewise they were asked to identify those which should be given priority or to suggest standards appropriate to Minnesota but not included in the list extracted from the National Advisory Commission report.

This report will treat only those particular recommendations or standards on which there was significant comment.

Citizen Involvement and Governmental Responsiveness

CCP Rec. 2.1: Resource Allocation

Should include community social services, including their programing and orchestration.

CCP Rec. 2.4: Informing the Public
CCP Rec. 2.5: Public Hearings

It was suggested that there be earlier attention to involving affected communities and neighborhoods in planning for programs and installations likely to be controversial, e.g., drug and alcohol treatment projects, halfway houses for ex-offenders, etc. Also, there should be emphasis on the crime prevention aspects of such programs to decrease opposition on grounds of supposed potential for crime increase.

Under these two headings the workshop participants also discussed at some length, and recommended the establishment of an information and referral system to provide at least an index of resources pertinent to criminal justice or crime prevention (including drugs and alcohol information and treatment) accessible to user groups, compiled by county, region, and state, and continuously or at least annually updated. A central information source which could, by telephone, provide location of more complete information was suggested.

Programs for Drug Abuse Treatment and Prevention

Workshop #1 gave this topic primary consideration. The workshop participants agreed that there was either completely inadequate attention given to the biggest drug problem, alcohol abuse and alcoholism, or that the drug alcohol was not properly and clearly identified as a prominent part of the total drug problem.

CCP Rec. 4.1 - 4.12

In its discussion of the subject matter treated in these recommendations the workshop felt that if standards for Minnesota are to be set they should draw on the experience of programs and agencies dealing with the subject in the state, including the Chemical Dependency Programs Division of the Department of Public Welfare; regional and county alcohol and drug programs; as well as public and private treatment, rehabilitation and prevention agencies. The workshop participants did not disagree with the national recommendations, except as noted below, but did feel that the specific kinds of treatment programs singled out for mention did not represent either the wide range of treatment modalities or the total capacity of drug abuse and prevention programs available in Minnesota.

An area of disagreement by the workshop participants with the standards reviewed lay in the emphasis on methadone and narcotic antagonist programs for recommendation. Workshop participants with special knowledge and experience expressed their hesitation about embracing such programs without reservation. The dangers of regarding methadone as appropriate treatment or even an appropriate adjunct of treatment for any but long-term, hard core heroin users was pointed out. The workshop urges the Task Force to seek the advice of knowledgeable people with more recent experience in preparing Minnesota standards.

In considering CCP Rec. 4.8, dealing with voluntary court referral of addicts, the workshop digressed to a discussion of court diversion programs in areas other than chemical dependency and the questions involved in de-criminalization of drug or other offenses. It may very well be that these subjects are treated under other sections of the Advisory Committee report and within other workshops but the workshop wishes to draw the attention of the Task Force to them.

Under CCP Rec. 4.10, Drug Abuse Prevention Programing, paragraph 3 calling on professionals, pharmacists, and physicians to educate patients and the general public, the workshop felt strongly that there first exists a need to provide education to these professionals as well as other professionals, (such as teachers, lawyers, clergy) who, because of their

positions, are thought to hold knowledge about the subject but who too often are not knowledgeable or are purveyors of misinformation.

Programs for Employment

CCP Rec. 5.4: Job Opportunities of Offenders and Ex-Offenders

The workshop participants call attention to manpower development programs, job training, and education programs beyond those involving employers themselves, and the need for such programs as appropriate to community crime prevention when they are directed to a broader population than simply offenders and ex-offenders. Funding of such programs from other than crime control monies have a definite crime prevention effect.

CCP Rec. 5.5: Removing Employment Barriers

Noted that other records besides those specifically mentioned here need purging, too.

Programs for Education

CCP Rec. 6.4: Improving Language Skills

The workshop participants noted that while this recomendation is directed principally to the problems of the non-English speaking population, an important area of concern in Minnesota and elsewhere is the need for improving communication skills, especially reading and writing, of native English speakers. The correlation between learning difficulties and crime is well documented.

CCP Rec. 6.8: Use of School Facilities for Community Programs

Endorsed by the workshop, noting that this recommendation is appropriate in many places.

Workshop Number: 2
Workshop Title: Community Crime Prevention
Workshop Leader: Marlys McPherson

The workshop group read and examined the 12 recommendations dealing with "Citizen Involvement and Government Responsiveness" but did not discuss them in detail. These recommendations are directed toward state and local government units **other** than criminal justice agencies, and since these recommendations are very specific the group felt it would be inappropriate to consider them without representation from the agencies directly responsible for their implementation.

The group also read and reviewed the four recommendations with respect to "Programs for Reduction of Criminal Opportunities." The group supported these recommendations, but felt they could be expanded to include additional areas which should be considered in more detail.

The group spent the majority of their time reviewing the standards with respect to the police role in crime prevention. Two standards were discussed at length and it was the group's opinion that these two merit special attention by the Task Force.

Police Standard 1.6 Public Understanding of the Police Role

The workshop participants expressed a positive reaction to further development and improvement of police-school liaison programs at all levels, but it also was emphasized that special consideration should be given to the selection of personnel to work in such programs. It was noted that assigning officers to every junior and senior high school on a full-time basis may present problems for many departments that are experiencing a manpower shortage. The problem of lack of sufficient personnel also was brought up in the context of officer participation in various youth programs such as scouting and athletics and in regard to officers' acceptance of community speaking engagements.

Police Standard 3.2 Crime Prevention

This standard, which encourages citizen and community participation in crime prevention and reduction programs, was strongly supported by the group. While the group generally agreed with the standard as written, there were three points on which the group would like to see changes made:

1) As written, subsection 1 (particularly 1b, 1c, 1d, 1e, and 1f) of this standard **appears** to encourage organized groups of citizen volunteers to assist the police and establishes very specific procedures concerning the relationship which should exist between the police and these "neighborhood volunteers". The group agreed that organized groups of neighborhood volunteers was not a necessary part of community crime prevention. Some members of the group, in fact, were opposed to organized volunteers, which they believed could get "out of hand," unless there was direct supervision by the police department. The consensus of the group was that if the term "volunteers" was replaced with "citizens" (in 1b, 1c, 1d, 1e, and 1f) the standard would more accurately reflect the basic idea of citizen cooperation with the police department, without implying the need for organization.

2) Subsection 3 encourages the enactment of local ordinances establishing minimum security standards for all new construction and existing commercial structures and suggests that operational police personnel should enforce the ordinances. As written, this standard does not accurately reflect existing laws in Minnesota and should be changed accordingly. (The group supports existing Minnesota procedures.) The State Building Code supersedes any and all local ordinances in Minnesota, and the primary enforcement function lies with the State Building Code inspectors.

Therefore, this standard should be changed to read: Police agencies should work together to seek changes in the State Building Code that establish minimum security standards for all new construction and existing commercial structures. (Some members of the group felt that the language could be made more specific to include what the minimum security standards should be.) With respect to enforcing the security standards, there was some disagreement concerning who should have primary enforcement. The general consensus was that the main responsibility should probably remain with the building code inspectors, but that police agency personnel should develop a closer working relationship with the building code inspectors and assist them in enforcement where possible.

3) There was disagreement within the group with respect to subsection 5 of this standard. The question of how much time (and manpower assignment) departments of different sizes should spend in the community on crime prevention programs (and what size departments should establish specialized units, how large they should be, etc.) has not been adequately addressed. In general, the group believed that this subsection should be expanded and made more specific, establishing

guidelines for different size departments with respect to manpower assigned to crime prevention.

In other words, subsection 5 should not be limited in its application to departments of over 75 men. The group was unable to reach agreement on what percentage of department manpower should be devoted to crime prevention programs.

As a general comment, the group was opposed to setting standards which apply only to departments of over certain sizes (75 men, 300 men, etc.). It was suggested that if there is agreement on the merit of the content of the standard, the standard should be rewritten to include percent of man-hours devoted to a particular activity so that it could then apply to all departments.

Workshop Number: 3
Workshop Title: Community Crime Prevention
Workshop Leader: Beverly Tallman

The three sections of Community Crime Prevention chose to divide the material to be covered in the following manner: 1) standards dealing with police; 2) standards dealing with drugs; 3) other standards.

Workshop #3 dealt with "other standards". Fourteen people stayed with group #3. The group was comprised mainly of probation officers and local community project personnel.

The first half of our time together was spent discussing the problems of government responsiveness to needed services. We addressed ourselves to recommended **Standard 2.2**

Decentralization Mechanisms and **Standard 2.6 Neighborhood Governments.**

Standard 2.6 deals with the problems of insuring adequate representation to speak for local needs. Local needs discussed ranged from those to be obtained on a regional basis (various counties united) down to those that would be more adequately obtained through neighborhood governments. The need seemed evident to allow for varied types of governmental units for delivery of services.

The group also discussed necessary funding. The need is evident for: 1) funds to enable alternative forms of governmental units to organize; 2) funds for delivery of service; 3) funds to cover expenses, e.g., baby sitting, transportation for those wishing to participate in voicing service needs or volunteering to aid in provisions of services. Also discussed was the need to seek ways of insuring adequate service to small population areas.

The group recommends that: 1) the Task Force address itself to enabling procedures which will allow for the delivery of services throughout the state, providing citizens with information and field service assistance in their efforts to organize, petition for, and establish multi-service delivery agencies or governmental units; 2) the Task Force also address itself to identifying financial resources which will provide the necessary staff to assist the community with the implementation of the above services and organizational needs.

The informing of citizens of available services should include: 1) list of all available resources; 2) information regarding required time lines; 3) where and how to get assistance with process.

The group also recommends that the Task Force seek ways to insure the following: 1) elective representation on all boards and commissions where feasible (Where board representation requires special skills or specifically identified groups, we recommend that the special group involved be responsible for selecting the required representative, e.g., if two sheriffs are required on a board, the Sheriffs Association should select that representative.); 2) that special elective processes be developed to select board and commission representation from the general population.

Standard 8.1 Supporting and Promoting Community Involvement

Our group was concerned with the direct involvement of clergy at specific decision-making points of the criminal justice system.

The group recommended that the Task Force seek ways to assure involvement of the clergy at decision-making points of the criminal justice system. Specifically we recommend involvement: 1) at intake — police or juvenile detention; 2) with police on selected routine patrol; 3) in court at time of trial, detention proceedings, or adjudication proceedings; 4) in local criminal justice institutions; 5) at point where client returns to the community.

Standard 13.1 Availability of Publicly-Financed Representation in Criminal Cases

The group recommends that the standard be extended to include juveniles petitioned for status offenses and non-criminal matters.

The group further recommends that the Task Force consider standards relating to legal training. In particular the group recommends that law schools be encouraged to require juvenile law courses.

The following standards were recommended without controversy or elaboration:

- 2.1 **Resource Allocation**
- 2.3 **Public Right to Know Laws**
- 2.4 **Informing the Public**
- 2.5 **Public Hearings**
- 2.7 **Central Office of Complaint and Information** —(We saw this recommendation as a needed aspect of regional or neighborhood governments.)
- 2.8 **Action Line**
- 10.1 **Ethics Code**
- 10.2 **Ethics Board**
- 10.3 **Disclosure of Financial Interests by Public Officials**

10.4 **Criminal Penalties**

5.4 **Job Opportunities for Offenders and Ex-Offenders**

5.5 **Removing Employment Barriers**

5.6 **Public Employment Program**

5.7 **Employment Opportunities for Former Drug Users**

5.8 **Employment Policy**

5.9 **Anti-discrimination Business Policy**

5.10 **Assisting Minority Business**

5.11 **Housing and Transportation Services**

6.4 **Improving Language Skills**

6.8 **Use of School Facilities for Community Programs**

8.2 **Informed Constituencies**

8.3 **Creating a Climate of Trust**

8.4 **Use of Church Facilities for Community Activities**

8.5 **Supporting Criminal Justice Reform**

10.2 **Court Information and Service Facilities**

10.3 **Court Public Information and Education Programs**

10.7 **Compensation of Witnesses**

13.1 **Availability of Publicy-Financed Representation in Criminal Cases**

13.2 **Payment for Public Representation**

13.4 **Public Representation of Convicted Offenders**

NATIONAL ADVISORY COMMISSION STANDARDS REVIEWED BY THE *DETECTION, DETERRENCE, AND APPREHENSION* WORKSHOP GROUPS

STANDARD	TITLE
Police Service in America	
Police: 1.3	Police Discretion
Police: 1.5	Police Understanding of Their Role
Police: 3.1	Crime Problem Identification and Resource Development
Police: 4.1	Cooperation and Coordination
Police: 4.2	Police Operational Effectiveness within the Criminal Justice System
Police: 4.4	Citation and Release on own Recognizance
Police: 4.5	Criminal Case Follow-up
The Control of Crime	
Police: 5.1	Responsibility for Police Services
Police: 5.2	Combined Police Services
Police: 6.1	Selecting a Team Policing Plan
Police: 6.2	Implementation of Team Policing
Police: 7.1	Command and Control Planning
Police: 7.2	Executive Responsibility
Police: 7.3	Organizing for Control
Police: 8.1	Establishing the Role of the Patrol Officer
Police: 8.3	Deployment of Patrol Officers
Police: 9.6	Traffic Operations
Police: 9.7	Criminal Investigation
Police: 9.8	Special Crime Tactical Forces
Community Crime Prevention: 14.2	Statewide Capability to Prosecute Corruption
Police: 9.9	Vice Operations
Police: 9.10	Narcotic and Drug Investigations
Police: 9.11	Intelligence Operations
Police: 11.1	Use of Professional Expertise
Police: 12.1	The Evidence Technician
Police: 12.2	The Crime Laboratory
Police: 12.3	The Property System
Recommendation: 12.1	Certification of Crime Laboratories
Toward Effective Police Service	
Police: 23.1	Police Use of Telephone System
Police: 23.2	Command and Control Operations
Police: 23.3	Radio Communications
Police: 24.1	Police Reporting
Police: 19.2	Complaint Reception Procedures
Police: 19.3	Investigative Responsibility
Police: 19.4	Investigative Procedures
Police: 19.5	Adjudication of Complaint
Criminal Justice System: 4.1	Police Information Systems
Criminal Justice System: 4.4	Police Information System Response Time
Police: 21.1	Police Uniforms
Police: 21.2	Firearms and Auxiliary Equipment
Police: 21.3	Agency Provision of Uniforms and Equipment
Police: 22.1	Transportation Equipment Utility

Workshop Numbers: 4, 5 and 6
Workshop Title: Detection, Deterrence and Apprehension
Workshop Leaders: Paul Linnee, David Gorski, Chuck Alexander

Each of these workshops consisted primarily of law enforcement officers from throughout the state, representing agencies at the county and city level ranging in size from the 890 man Minneapolis Police Department to several 4 and 5 man departments in out-state Minnesota.

Of the 41 standards in the discussion category, the workshops focused in on 22 specific standards and lumped these 22 into 13 general categories.

Of the 41 standards in the discussion category D, D&A workshops met separately, but on the second day the three were combined into one group of about 30 for the purposes of developing some consistent recommendations for the Task Force. The following specific recommendations will be a joint recommendation from the three groups.

The list of categories, in order of importance to workshop participants, follows:

1. The size and service level of police departments
2. Police discretion
3. Police effectiveness in the criminal justice system
4. Planning and operations requiring coordination between agencies or mutual aid actions
5. Patrol officers
6. Traffic and criminal investigations
7. Specialized operations
8. Capability to detect and prosecute corruption at all levels
9. Forensic analysis
10. Police property holding systems
11. Police reporting systems
12. Handling of complaints against police
13. Police uniforms

Police 5.1 Responsibility for Police Services
Police 5.2 Combined Police Services

In a state where there are nearly five hundred police agencies, 2,000 municipalities and 4,000,000 people the minimum size of police agencies is a critical issue. Workshop participants felt that it was important to focus on the performance of police services rather than minimum sizes of police agencies. The group recommended that the Task Force concentrate on determining the minimum services that need to be provided to various types of communities and then discuss alternative means of providing those services. (Standard 5.2 was seen as one possibility.)

The group felt that accurate information was needed about the number and size of departments currently operating in Minnesota. Survey techniques have not been completely successful in obtaining this data. It is recommended that standards be developed for collecting and updating this type of information in order to review minimum service needs.

The group recommended that Standard 5.1 reflect the need for "24 hour a day on duty police service and response to constituents" but not limit provision of these services to contract agreements only.

Because of the emphasis on performance rather than size, the group disagreed with the arbitrary 10 man limit in Standard 5.2.

The group agreed that implementation of minimum service standards would require legislative action. A proposal to license law enforcement agencies was discussed. The group suggested that a state agency with licensing authority could require demonstration of minimum performance levels, training and equipment standards and response-capabilities for different types of communities. This could also require a "certification of need" similar to Health Department and other licensing practices.

The first day's workshop session was devoted primarily to this standard. It was agreed that it was important for police to consider the adoption of a standard on police discretion and practice based on the benefit of the field experience. The major issue was whether or not a police agency should develop a broad range of rules to guide the conduct of a police officer in the discretionary situations he encounters. It was agreed that they probably should, but that these guidelines would not necessarily be broad. It was agreed that guidelines should be concerned with treating violators in a manner suitable to their offense rather than their behavior after the offense (when that behavior does not constitute a violation in and of itself.)

Implementation here was seen as very difficult because it deals with the most basic internal operations of all of the agencies. It was felt that it would be difficult to impose a standard on all agencies that would be universally applicable. This

might be an issue best dealt with through the Criminal Justice Coordinating Councils described in Standard 4 as they would reflect the criminal justice system in a community. Any discussion of discretion should deal not only with the issue of how laws will be enforced, but also with whether or not they will be enforced.

Police 4.1 Cooperation and Coordination
Police 4.2 Police Operational Effectiveness within the CJS
Police 4.4 Citation and Release on own Recognizance
Police 4.5 Criminal Case followup

Standard 4.1 is primarily concerned with acknowledging the need for a **Criminal Justice System.** The Courts, Police and Corrections should not be working against each other. Joint planning and organizing is needed and communications must be enhanced between agencies within one subsystem as well as with agencies in the other subsystems.

Standard 4.2 was seen as an aid to the police in helping them assess the effects of their efforts. It was mentioned that the taking of a case to court should not be a game whereby the police are penalized if they make errors unless the courts are willing to guide the police in helping them understand their errors and correcting their procedures.

Standard 4.4 was seen as being achieved in Minnesota due to the new rules of Criminal Procedure recently proposed by the Supreme Court.

Standard 4.5 was seen as dealing with the issue of accountability of all systems. Police should be accountable to the courts, the courts to the police, the prosecutor to the police and the courts, and corrections to the police and the courts and ultimately all to society.

Standard 4.1 was recommended as written with the following addition under section 2(a): "Any such coordinating council shall, as an additional objective, consider the issue of communication and accountability between participating agencies". Standards 4.2, 4.4, and 4.5 were recommended as written.

Standard 4.1 could be implemented quite simply. The legislature could require that each county or group of counties operating a county court establish an informal coordinating council.

Standard 4.2 was seen as being somewhat more difficult to implement as it relates to personal prejudices and opinions of judges, prosecutors and police and how they view their role. Perhaps one way to resolve it would be to require minimum basic training in the "criminal justice system" for all practitioners to establish a common basis with some shared experiences.

Standard 4.5 could be implemented on the department level with the major problem being a lack of personnel in smaller departments.

Police 7.1 Command and Control Planning
Police 7.2 Executive Responsibility
Police 7.3 Organizing for Control

These standards deal with how police handle situations that require a base of operations larger than that of the agency in whose jurisdiction the incident occurs. This could be a tornado, a flood, a riot, a civil disturbance, a disorder at a prison or a particularly large or violent crime in progress. They went into great details as to who should be in charge, who should be called on for help, what lines of command should be established before the incident and who controls all activities for the duration of the incident.

There is no central repository known to the workshop of mutual aid pacts or agreements and no central coordinating authority to approve or disseminate such plans. Perhaps Civil Defense at the State level could serve this function.

Standards 7.1 and 7.2 were recommended as written.

Standard 7.3 was not recommended as it was seen as being too detailed and too subject to the exigencies of any particular situation to be included as a standard.

As in Standards 5.1 and 5.2, the workshop felt that determining factors were agency size and capabilities. Perhaps the provision of such pre-planning for disasters or unusual occurrences could be included as one of the requirements that law enforcement agencies would have to meet before being licensed by the state.

Police 8.1 Role of the Patrol Officer
Police 8.3 Deployment Strategy of the Patrol Officer

These standards discuss the issue of what a street cop is supposed to do, in what order of importance, when and by what means. The standards were written realizing that the man on the street is the ultimate tool of a police agency to fight crime and serve the public and that their role ought to be structured in a manner using this potential.

These standards were also seen as being internal department issues, meaning that perhaps a statewide standard would be meaningless due to the fact that we are dealing with 400+ different agencies and different levels of expertise and training. Nevertheless, the workshops voted to recommend 8.1 as it appears with the addition to section 2(c), recommended as follows: "Rural area emergency response to calls should not exceed 20 minutes and non-emergency response should be as soon as possible."

It was decided that this was a good standard and although implementation would be difficult in a state as geographically diverse as Minnesota these are good targets to shoot for in police operations. Once again, such performance standards might be good for inclusion in legislation establishing overall performance standards and licensing for Minnesota law enforcement agencies.

Police 9.6 Traffic Operations
Police 9.7 Criminal Investigations

Standard 9.6 deals primarily with the way in which police agencies should be involved in traffic law enforcement operations. Standard 9.7 deals with the way in which police agencies should be involved in criminal investigations, who should do them, how they should be done and how investigators' time should be allocated.

There was considerable discussion about the questions of whether or not police should be enforcing traffic laws and whether or not police should be investigating automobile accidents where no personal injury occurs. The general feeling of this group was that police should be involved in traffic law enforcement as a part of the mix in their duties, but that it probably wasn't too wise for them to investigate property damage car accidents. As it presently stands, only two agencies in the state do not investigate these accidents, and the workshop was reluctant to recommend that police agencies should not investigate these accidents.

The workshop recommended that Standard 9.6 be adopted as written with the following exceptions: In section 1(b), the words **fundamental** and **uniformed** should be deleted.

The workshop voted to recommend Sections 1, 2, 3 and 7 of Standard 9.7 only.

Police 9.8 Special Crime Tactical Forces
Police 9.9 Vice Operations
Police 9.10 Narcotics and Drug Investigation

Police 9.11 Intelligence Operations

These workshops felt that these standards were primarily aimed at large police agencies of which there are only two in Minnesota. They dealt with the way in which police agencies get involved in specialized enforcement operations. It was the opinion of these workshops that to draft standards relating to the operations of only two agencies would be a waste of time, since few if any other agencies in the state become involved in these areas. Therefore, this workshop chose to combine these four standards into one general standard for Task Force consideration.

None of the four standards were recommended as written, rather, the workshop proposed the following standard under the heading of "Special Operations": "Every police agency shall plan and negotiate agreements with other law enforcement agencies for the handling of special investigative operations and emergencies. Such arrangements should be negotiated at the most appropriate geographical level without regard to political jurisdictional lines".

What is meant here is that the average 10-12 man police department in Minnesota probably can't worry too much about undercover narcotics operations, undercover vice operations or special tactical forces, but they should join with other agencies in their area to form special ad-hoc units to handle these problems when they arise. An example of this would be the Cooperative Area Narcotics Squad (CANS) in the Arrowhead region which is an ad-hoc group of officers from seven counties and a number of cities who get together when necessary to perform narcotics enforcement work in the region.

Community Crime Prevention 14.2 Statewide Capability to Prosecute Corruption

This standard dealt primarily with the issue of developing the objectivity necessary to investigate, detect and prosecute corruption at all levels of government in the state. There was general agreement that local police, local sheriffs or local prosecutors are or may often be too politically dependent on their local agencies to feel free to investigate corruption in their own back yard and that such a capability ought to exist at the state level to provide the objective and politically secure base needed for this sort of operation.

It was felt that the Attorney General through his Organized Crime Intelligence Unit might be a good vehicle for developing this capability but that such a unit should be established by statute and

the responsible individuals within the unit be removed from political appointments. It was also felt that a statewide grand jury might be appropriate to hear evidence and bring possible charges in cases of alleged corruption in government.

Police 12.1 The Evidence Technician
Police 12.2 The Crime Laboratory
Police 12.3 The Property System

Standard 12.1 deals with the creation and deployment of specialists in the collection, detection and preservation of physical evidence from crime scenes.

Standard 12.2 deals with what sorts of capabilities should exist in the actual laboratories of a state or region to process and analyze evidence collected in the field.

Standard 12.3 deals with the way in which police agencies store and maintain security over property (be it legitimate or contraband) that they hold in their possession prior to disposition of a case.

With respect to 12.1 and 12.2, these issues have been debated over the past two years as a result of funding considerations being made by the Crime Commission relative to the upgrading of the laboratory system in Minnesota. One of the likely outcomes of this is the development of a multi-level evidence technician system in the State. The system would provide in-depth training to working officers to equip them to handle most crime scene operations, and would also create a corps of highly skilled evidence technicians at the BCA to support locals when the work load or sophistication required exceeds local capabilities.

Also, an expansion, reorganization and upgrading of the laboratory itself with an eye towards establishing performance standards for the lab and for recipients of BCA service is a possibility.

Only sections 2, 3 and 6 of Standard 12.1 and the initial paragraph were recommended. Standard 12.2 was recommended in part, including the initial paragraph and sections 1, 1a, 3, 4, 5, 7 and 8. Standard 12.3 was recommended in part, including the initial paragraph and sections 1, 2, 3, 4, 5, 7, 8, 9a, 9c, 10a, 10b, and 10d.

Police 24.1 Police Reporting

The workshop felt that this standard dealt with the issue of what reports and files police agencies should maintain for their own use and for subsequent submission to a state or national file. This is a very complex issue that should require many standards. It is currently being dealt with at the national level by Project Search and at the state level by the MINCIS board. However, the workshop did feel that there was some need for having a standard dictating the need to maintain internal files in a uniform manner.

The workshop voted to recommend this standard as written with the deletion of Section 3.

Police 19.2 Complaint Reception Procedures
Police 19.3 Investigative Responsibility
Police 19.4 Investigation Procedures
Police 19.5 Adjudication of Complaints

Assuring the public of a police agency responsive to their complaints against it and protecting the personnel of that agency from harassment and lack of due process were the important issues here. There was some confusion between this standard and the one dealing with the capability to investigate corrruption at a statewide level (14.2) but it was decided that both these standards dealt with how the public can complain about instances of police malfeasance and what will be done with their complaints. All of this is, of course, directed at the issue of establishing public trust in the integrity of the police service. However, there was much discussion about making sure that individual members of the agency who are complained against are given the appropriate constitutional guarantees: confrontation of accusers, right to counsel and the right not to be demoted, fired, suspended or fined without due process.

19.2 and 19.3 were recommended as written. In 19.4, under section 5, lines 4, 5, 6, 7 and 8 were deleted and then it was recommended. In 19.5 under section 2, the last sentence should be deleted and the following sentence should be inserted: "The penalty should be an oral or written reprimand or a suspension of up to six months".

Implementation of these standards could be difficult as they deal with a large number of municipal or county civil service ordinances which all now have some grievance procedures. Perhaps one way of dealing with it would be for the legislature to adopt a uniform police civil service code for mandatory adoption in all licensed (see 5.1) police agencies.

Police 21.1 Police Uniforms

The workshop spent a great deal of time on this standard and it was apparent that the standard did not deal in sufficient depth with the issue of uniforms and their relation to police function. The workshop was concerned with the issue of all municipal police statewide being uniform in colors

and style, all county police uniform, all state police uniform, all special police (such as Conservation Officers) uniform and all security or private police uniform.

No consensus was reached on this topic, but the standard was recommended as written insofar as it goes.

There was considerable sympathy for a standard or a law that would require all municipal to wear blue uniforms, all county police to wear brown uniforms, all state police to wear maroon uniforms, all special police to wear green uniforms and all private police to wear some other easily distinguishable and non-similar uniform and color.

Major points were the ability of the public to recognize a peace officer and to know what level of government he serves and also to remove the possibility that a citizen would mistake a private security guard for a certified peace officer or that a security guard would take advantage of this to represent a certified peace officer. There was also discussion about the uniformity in color and markings of police patrol vehicles.

NATIONAL ADVISORY COMMISSION STANDARDS REVIEWED BY THE *COURT PROCESSES* WORKSHOP GROUPS

STANDARD		TITLE
Court Information Systems		
Criminal Justice System:	5.1	Decision making in Individual Cases
Criminal Justice System:	5.2	Calendar Management in the Courts
Criminal Justice System:	5.3	Court Management Data
Criminal Justice System:	5.4	Case Management for Prosecutors
The Negotiated Plea		
Courts:	3.1	Abolition of Plea Negotiation
Courts:	3.2	Record of Plea and Agreement
Courts:	3.3	Uniform Plea Negotiation Policies and Practices
Courts:	3.4	Time Limit on Plea Negotiations
Courts:	3.5	Representation by Counsel During Plea Negotiations
Courts:	3.6	Prohibited Prosecutional Inducements to Enter a Plea of Guilty
Courts:	3.7	Acceptability of a Negotiated Guilty Plea
Courts:	3.8	Effect of the Method of Disposition on Sentencing
The Jury		
Courts:	4.13	Jury Selection
Courts:	4.14	Jury Size and Composition
The Litigated Case		
Courts:	4.15	Trial of Criminal Cases
Sentencing		
Courts:	5.1	The Court's Role in Sentencing
Review of the Trial Court Proceedings		
Courts:	6.1	Unified Review Proceeding
Courts:	6.2	Professional Staff
Courts:	6.3	Flexible Review Procedures
Courts:	6.4	Dispositional Time in Reviewing Court
Courts:	6.5	Exceptional Circumstances Justifying Further Review
Courts:	6.6	Further Review Within the Same Court System: Prior Adjudication
Courts:	6.7	Further Review in State or Federal Court: Prior Factual Determinations
Courts:	6.8	Further Review in State or Federal Court: Claim Not Asserted Previously
Courts:	6.9	Stating Reasons for Decisions Limiting Publication of Opinions

Courts Recommendation:	6.1	Transcript Preparation
Courts Recommendation:	6.2	Problems Outside the Courts

Personnel and Institutions

Courts:	8.1	Unification of the State Court System
Courts:	8.2	Administrative Disposition of Certain Matters Now Treated as Criminal Offenses
Courts:	9.1	State Court Administrator
Courts:	9.2	Presiding Judge and Administrative Policy of the Trial Court
Courts:	9.3	Local and Regional Trial Court Administrations
Courts:	9.4	Caseflow Management
Courts:	9.6	Public Input into Court Administration
Courts:	10.1	Courthouse Physical Facilities
Courts:	10.6	Production of Witnesses
Courts:	11.1	Court Administration
Courts:	13.5	Method of Delivering Defense Services
Courts:	13.12	Workload of Public Defender

Sentencing

Corrections:	5.1	The Sentencing Agency
Corrections:	5.2	Sentencing the Non-dangerous Offenders
Corrections:	5.3	Sentencing to Extended Terms
Corrections:	5.4	Probation
Corrections:	5.5	Fines
Corrections:	5.6	Multiple Sentences
Corrections:	5.7	Effect of Guilty Plea in Sentencing
Corrections:	5.8	Credit for Time Served
Corrections:	5.9	Continuing Jurisdiction of Sentencing Court
Corrections:	5.11	Sentencing Equality
Corrections:	5.13	Sentencing Councils
Corrections:	5.14	Requirements for Presentence Report and Content Specification
Corrections:	5.15	Preparation of Presentence Report Prior to Adjudication
Corrections:	5.16	Disclosure of Presentence Report
Corrections:	5.17	Sentencing Hearing—Rights of Defendants
Corrections:	5.18	Sentencing Hearing—Role of Counsel
Corrections:	5.19	Imposition of Sentence

Workshop Number: 7
Workshop Title: The Court Process
Workshop Leader: Judy Harrigan

Introduction: The group discussed Court Administration (Standard 9), the Unified Court (Standard 8), and Plea Negotiation (Standard 3) the first day, and discussed Sentencing (Standard 5) and Review (Standard 6) the second day. Because there was some overlapping, and some omission of standards altogether, the synopsis of our discussions will be presented in numerical order.

Two general conclusions resulted from the discussions: (1) many of the standards may be appropriate for large metropolitan areas, but are impractical or impossible to implement in less-populated rural areas; and (2) of the standards with which the group agreed, many are already being implemented (at least in some degree) in Minnesota.

Court Information Systems — Criminal Justice System Standards 5.1-5.4. Not discussed.

The Negotiated Plea — Courts Standards 3.1-3.8.

Standard 3.1. The group believed that the elimination of plea negotiation was unrealistic. The consensus was that such bargaining will always take place to some degree and, rather than push it further "underground," the emphasis should be placed on developing procedural safeguards as outlined in the remaining subsections of this standard.

Minority opinion: A probation officer in the group objected to plea negotiations because they result in an inaccurate record. The defendant is not held accountable for the offense he actually committed and the treatment called for by the offense on record may not be the appropriate one for him.

Response to Minority opinion: Parole and probation responsibilities are not to hold people accountable but to rehabilitate them. Nor is incarceration really a method of holding people accountable.

General discussion. Reasons for plea negotiations: 1) because of the time lag, cases may begin to disintegrate (e.g., witnesses leave); it is better to plea bargain and have some record (some accountability) than nothing at all; 2) in economic terms, it is prohibitive to go to trial on every offense, present a full case and have full sentence imposed — taxpayers may not be willing to support a **full** system of justice; 3) there is a need for flexibility to recognize the needs of the accused as well as the needs of society; 4) in some instances, in order to protect the innocent (i.e., maintain the integrity of the procedural safeguards) it is necessary to let the guilty go.

Standard 3.2. The group unanimously accepted this standard, and believed that it is already followed in most Minnesota courts.

The primary **lay** concern with plea negotiation is its apparent "secrecy". The public is sometimes angry and frustrated when criminals "get off easy" as a result of plea negotiations. It is not clear how the requirement of making a full **court** record will enable the public to learn the contents of the plea negotiations; apparently such disclosure will come from reports in the news media of the courtroom proceedings.

Standard 3.3. This standard was generally favored for two reasons: 1) to help eliminate public misunderstanding and mistrust of what is now generally viewed as an "under the table" process; and 2) to hold prosecutors accountable for the conduct of the process.

One additional necessity is more prosecutors and more public defenders, so that plea negotiation is not used merely to reduce caseloads.

Standard 3.4. This standard was rejected as unrealistic. If the time limit is rigidly enforced, there may be cases that are thus forced to go to trial when both sides would prefer not to. The exception allowed for by the standard ("unusual circumstances") would probably become the rule.

The reason given for imposing the time limit ("to insure the maintenance of a trial docket") is unjustifiable when compared to the interests on the other side: the increased pressure on the defendant, the possibility of unnecessary trials and/or the increased administrative activity involved in granting exceptions to the time limit.

Standard 3.5. This standard is already followed in Minnesota, and the new Criminal Rules of Procedure will require it.

In practice, prosecutors prefer to have the defendant represented by an attorney — it is uncomfortable for them to deal directly with the defendant.

Standard 3.6. This is generally done in Minnesota now, in conjunction with 3.2, as part of

the Judge's questions to the defendant about the nature of the plea negotiation.

Standard 3.7. This standard was favored by the group.

A prosecutor indicated that the presence of a representative of the police department should be at the policeman's option, e.g., if he feels his input is necessary or crucial. Mandatory presence may not always be necessary and could result in policemen wasting a lot of time in court.

If a policeman chooses not to attend, the alternative of offering the police records and reports into evidence at the hearing, along with the PSI, should be available.

If plea negotiation has been done, there should be greater communication between the prosecutor and the arresting officer before the plea is finalized. The policeman does not, of course, have the final say as to the plea to be accepted, but he at least should have input into the decision and, perhaps more importantly, he is entitled to an explantion of why the negotiation resulted as it did.

Standard 3.8. This standard can be read two ways: 1) The mere fact that the defendant pled guilty should not result in a lesser sentence (i.e., elimination of the inducement to "plead guilty, get a lighter sentence"). The group agreed with this. 2) Read more broadly, the standard could be interpreted to mean that no sentence concessions can be made at all because of the plea. The group does not agree with this interpretation. Sentence concessions were felt to be a necessary part of plea negotiation — benefits to be accrued are both necessary to justice (e.g., letting the small crook go to get the big one) and favorable to the accused (e.g., allows the accused to accept responsibility).

The sentencing hearing is the time to consider all the mitigating circumstances and make whatever concessions are to be made — it will all be on the record.

One member of the group felt that perhaps it would help to have stronger definitions of the PSI (what it should cover and what it should do) and of the plea negotiation; how do they overlap; how do they differ; how should they be coordinated.

The Litigated Case, Courts Standards 4.13-4.15

The only discussion was on 4.14, size of the jury. There was some discomfort with having less than 12 jurors in felony cases.

Sentencing, Court Standard 5.1

(See VIII. **Court Administration infra.**)

Review of the Trial Court Proceedings, Courts Standards 6.1-6.9, Recommendations 6.1-6.2.

Standard 6.1. The general opinion of the group was unfavorable to the proposed unified review system. They expressed satisfaction with the way review is handled in Minnesota now, with the exception that the process could be speeded up with the addition of more manpower.

It is not clear that the one reviewing court would be the Supreme Court. If the reviewing tribunal could be a District Court, there is a potential problem of comity — one District Court having to reverse another District Court within the system.

Standard 6.2.
Not discussed.

Standard 6.3. With these procedures, the "review" hearing could conceivably turn into a trial de novo. The group was particularly concerned about Paragraph No. 7 — they do not agree that the reviewing court should have the authority to set aside a conviction even if it is supported by evidence and there is no legal error. This is "second guessing" by the review court, which is contrary to the general rule that the trial judge's exercise of discretion will not be overturned unless there is an obvious abuse. The criterion for overturning the conviction ("if, under all the circumstances") is much too vague. A possible consequence of this power, if it were to be used frequently, would be an undermining of the authority and status of the trial judges.

The authority of the reviewing court to uphold a conviction even if there was error seems to be merely a restatement of the "harmless error" rule.

Standard 6.4. Although faster disposition of review cases is desirable, the specific time limits set in this standard are unrealistic, unless manpower (e.g., public defenders, investigators, court personnel) is vastly increased.

Standards 6.6-6.8.
Not discussed.

Standard 6.9

The group felt that this is already being done informally by the courts themselves, and is a proper area of concern to be worked out by the courts as they see fit.

Rec. 6. — Definitely need speedier transcript preparation, and, of course, more manpower to make it possible.

Rec. 6.2 — There is not much in this recommendation that can be opposed — ways to eliminate delay are desirable. The group favored the use of paralegals.

The Lower Courts, Courts Standards 8.1 - 8.2

Standard 8.1. The general reaction to a Unified Court System was unfavorable. 1) Rural judges will be taken out of areas with little or no backlog and transferred around the state. Rural Minnesota will end up paying for urban judges. (It was pointed out that a similar problem already exists in the Tri-County system of Stearns-Benton-Sherburne on resource allocation.) 2) It is not clear that a unified court system, acting without local control, and merely just by adding judicial staff, will upgrade the system. 3) Although corrections and welfare are currently operated as unified state systems on a transferable basis, the unified court proposal is contrary in spirit to the community corrections idea and the probate court system, e.g., getting the system closer to the people. 4) Would this really upgrade the courts? Those in favor of the unified court said that with more money and more prestige, personnel of higher quality could be attracted. Those opposed said that a judge of general jurisdiction would have to handle a wider variety of legal problems — some he could do well, some he couldn't. If the judges start to specialize, then we would be right back where we started. 5) The system would be tough on law enforcement. In the event that a judge is unavailable, a suspect must still be released within a specified time limit. In these cases the centralized court would not work. It was felt that more money and more personnel was not the solution. 6) The boundary system of regional and county distribution of agencies is already a problem and could be further aggravated. The goal should be nexus — same areas administered by the same agencies, with increased communication between related agencies.

Those who support the unified court concept emphasized that the county court now has 14 jurisdictions and lacks only 2. Since the county judge is equally trained, why should he not be able to exercise the other 2 jurisdictions? And why shouldn't a district court judge have all 16 jurisdictions? Ergo, why not have one court? It was also argued that the resource allocation of a unified court system would be more equitable — same rules, same procedures, same quality.

Those opposed to the unified court, in addition to the reasons listed above, asked the question: Is the quality of the system improved by increasing jurisdiction or by increasing training within the current jurisdiction? If quality is the main concern, that can be achieved by continuing legal education, specialization, and judicial training.

A further suggestion was made that if all three components of the court — judge, prosecutor, and defense attorney — are improved, the system will be improved. The consensus was that, even with no unified court system, the lower courts should be taken seriously and time and money should be expended in improving their quality.

Standard 8.2. The group generally disagreed with this suggestion for the following reasons: 1) although the defendant in a petty misdemeanor case is not entitled to an attorney, the state still has the burden of proving the offense beyond a reasonable doubt — by making the procedure administrative, the burden is lowered to clear and convincing evidence; 2) some petty traffic offenses, such as speeding and failure to yield, could conceivably have severe property consequences, e.g., to truck drivers; 3) setting up a separate administrative agency would cause more problems for small counties which have no backlog problem. They would have two systems sitting idle at times, rather than one. Although such a system would be feasible for metropolitan areas, implementation would result in unequal justice between counties using the administrative agency and those still using the courts to handle traffic offenses.

Court Administration, Courts Standards 9.1 - 9.4, 9.6

Standard 9.1. The basic objection to a state court administrator having such extensive authority is that it is opposed to the basic thrust of the local control theories of the Community Corrections and Human Services Acts. The group felt that they could accept state standards for local control.

The group in particular did not favor assignment of judges by the state court administrator.

Those in favor of some statewide control by the court administrator argued that it would provide uniform justice and speed throughout the state. The State Court Administrator is

already involved in Community Corrections and Human Services, which are post-dispositional. The Supreme Court has authority over judicial procedure and already has the power to compel a unified court system. A unified court of general jurisdiction would allow for more flexibility in use of judicial resources and a state court administrator would help control regions of correctional and judicial jurisdiction.

The rest of the substandards were not discussed in depth.

Court-Community Relations, Court Standards 10.1, 10.6
Not discussed.

Computers and the Courts, Courts Standard 11.1
Not discussed.

The Defense, Courts Standards 13.5, 13.12
Not discussed.

Sentencing, Corrections Standards 5.1 - 5.9, 5.11, 5.13 - 5.19
The Courts Standard 5.1, **supra,** is a shortened version of the following:

Standard 5.1. The group did not favor total absence of jury sentencing.

Standard 5.2 First, the group agreed that "equal" treatment is a utopian concept—there is always some inequality because people are different.

It is not clear in the standard whether the determination that the accused does not represent a substantial danger is to be made in a separate hearing. At what point is this decision made? By whom? What are the criteria? Minnesota has a dangerous offender statute now which is rarely used.

One group member favored a statutory minimum sentence.

The group questioned whether unconditional release would ever be favored by the public.

If release into the community is to be favored over incarceration, then some attention should be paid to the standards now used by probation officers. Standards should be clear, both to the defendant and to the public.

The factors to be considered to justify commitment to an institution still carry the old dual standard of discriminating against the poor. For instance, the ability to make restitution (5.2h) would be more available to white collar crime than to the offenses committed by the poor. Fines should not be available as an alternative disposition in felonies for the same reason.

Standard 5.3. The group questioned whether this would be used in plea negotiations. Does it originate with the prosecutor (e.g., he has the burden)? Or would it enter into consideration by way of the PSI, at sentencing?

Provision 1 — who has the burden of showing that the defendant is a persistent felony offender, etc.?

Provision 2 — does this definition include felonies committed while the defendant was a juvenile?

Provision 6 — if the parole board requests early release, and the sentencing judge refuses, is there any provision for review? Or, if the defendant believed the judge would turn him down, could he enter an affidavit of prejudice and have another judge determine his early release? Must he always go back to the sentencing judge, or can he go to another judge within the system?

Provision 7 — is this necessary? Or is it just face-saving for the judge?

The group felt that perhaps the judge should have some input into how long an inmate remains incarcerated, particularly where there is no minimum sentence, the judge gave the maximum (and recommended a long incarceration), and the parole board lets the man out very early.

Standard 5.4. The group felt probation conditions can be a combination of mechanical and personal. The Minnesota standard probation form is outdated. Perhaps the form now provided by Department of Corrections should no longer be used, and a court form, developed by the judge and the defendant together in open court is preferable. That way, everything is on the record and the judge can ensure that the defendant understands the provisions of probation.

Standard 5.5 The group agreed that fines for misdemeanors are appropriate, but not for felonies (e.g., the double standard argument — the rich can buy their way out of prison, the poor cannot). The group disagreed with the authority of the court to revoke part or all of a fine if it proves to be a hardship to the defendant. Imposition and payment of a fine **should**

be a hardship, particularly if the defendant avoided imprisonment by promising to pay the fine.

Standard 5.6. The group questioned why this standard should even be used since the Minnesota multiple-sentence statute and the dangerous offender statute discussed in 5.3, are rarely used.

The group strongly felt that provisions 3 and 4 need a lot more thought. Further study is recommended. Although this could simplify matters, there is a potential for resentment between counties when one county disposes of charges from a second county, thus excusing the defendant from accountability to that second county. The suggestion is not disagreeable in general — but mechanization and implementation must be more definitely outlined.

Standard 5.7. The group agreed with this.

Standard 5.8. Minnesota already gives credit for time-served. It should be automatic always, and never at the discretion of the court.

Standard 5.9. The group strongly disagreed with this standard. It should not be the province of the trial court to get involved in the treatment aspects of the correctional institution. Recourse is already available through the federal courts if an inmate feels he has constitutional complaints about treatment. To allow the trial court to make this decision could result in fragmented orders from various parts of the state against the state correctional system.

The National Advisory Commission was primarily concerned with simplifying the court process when it proposed the unified court system. This suggestion — going back to court to have a sentence modified — would literally be opening the floodgates to increased litigation.

Minnesota will have to decide **who** has control over the length of sentence: the parole board; the trial judge; the parole board with recommendations from the judge, etc. Opening up the trial courts to reduce or modify sentences will bog the system down.

Standard 5.11. The group does not favor sentencing councils. The group agrees with review of sentencing.

Standard 5.13. The group felt that sentencing councils would be unworkable — they would never agree.

Standard 5.14. The consensus of the group was that Minnesota already does a good job in felony PSI's.

Standard 5.15 Not discussed.

Standard 5.16. Not discussed.

Standard 5.17. One member of the group thought that the prosecutor should have the right to call in witnesses (e.g., a policeman) to rebut the probation officer's report, if necessary.

The group did not agree with 2.b., the evidence obtained in violation of constitutional rights cannot be introduced in the sentencing hearing. The standard has already said that the exclusionary rules of evidence do not apply here. As long as the evidence is "competent and reliable", it should be admitted and made a part of the record. The judge is entitled to the entire picture of the defendant's background at this stage.

Standards 5.18 - 5.19. Not discussed.

The Prosecution, Courts Standards 12.1 - 12.5, 12.7 - 12.8

(Note: This was not on our group's outline, but was pertinent.)

Standard 12.1. This standard highlights the metropolitan-rural dilemma in Minnesota. There is no argument that prosecutors in the metropolitan area should be full-time. But what are the smaller counties to do with a full-time prosecutor who has less than a full-time caseload?

A similar problem is the demise of the public defender system in out-state counties, particularly since MBA Op. 6 prohibits city attorneys from acting as public defenders in other cases.

Standard 12.8. There may be no need for an investigator in rural areas at all.

Workshop Number: 8
Workshop Title: The Court Process
Workshop Leader: Laurry Harmon

This discussion group considered Standards and Goals of the National Advisory Commission in the following areas: The Negotiated Plea (Standard 3, "Courts"); Personnel and Institutions (Standards 8.1, 9.1-9.3, "Courts"); and Sentencing (Standard 5.1, "Courts," and Standards 5.1-5.13, "Corrections").

The Negotiated Plea: It was the consensus of the group that abolition of plea negotiations would be both nonsensical and counterproductive. The rationale for abolition, as expressed in the Commentary to Standard 3.1, was thought to be without merit insofar as the Minnesota experience with plea negotiation is concerned. It is clear that to abolish plea negotiations would impose an enormous financial burden on the courts, requiring vastly increased resources in terms of court personnel and court facilities, and that such expense would be essentially wasted in attempting to remedy a supposed evil which in fact does not exist in this state. Our view is that prosecutors, in the main, do not file criminal charges unrealistically, and, in those few instances in which they do so, the mistake is by inadvertence and not by design. Similarly it was felt that a defendant who pleads guilty to any charge is not treated differently by the sentencing judge than he would be if found guilty by court or jury, since sentencing is entirely a judicial responsibility based upon the findings of a presentence investigation. Furthermore, the group was not convinced that the present system of plea negotiation exerts any coercive effect upon an innocent defendant to plead guilty; in fact, the process of negotiation typically allows a realistic dialogue between informed counsel for the defense and prosecution to discuss the facts of the case from their own peculiar vantage points and thereby to arrive at a fair approximation of the truth regarding the matter, resulting in proper disposition by the court.

While the group recommended that Standard 3.1 not be adopted in Minnesota, we recognized that certain of the so-called "interim measures" designed to improve the plea negotiation process (prior to abolition) deserve consideration. Specifically, Standard 3.2 was thought to have merit, accepting the theses of the Commentary to the Standard: (1) some control must be imposed upon the administrative disposition of cases by prosecutors and defense counsel, and (2) the plea negotiation process should be made more visible. Consequently, the group recommended that the plea agreement should be set forth in open court and that the record should contain the terms of the agreement along with the judge's reasons for accepting or rejecting the plea.

The group recognizes that the public view of the plea negotiation process is distorted and that the media have not dealt objectively with it. The discussion of possible remedial action to be taken in this regard was inconclusive, although there was some feeling that Standards 9.6 and 10.2 might be utilized to maximize the benefits resulting from Standard 3.2.

In sum, the workshop group concluded that the present plea negotiation process is not inherently evil, that to abolish it would cause havoc and that all criminal justice subsystems are benefited by it. It was recommended, however, that (1) the bargain should be out in the open, fully disclosed and reflected in the record, (2) it be the result of discussions by counsel who are benefited by mutual discovery, and (3) the judge should not participate in the negotiations, except to pass upon their propriety.

The group also supported Standard 3.3, although there was concern that part 4 of that Standard which allows the prosecutors to consider the assistance to law enforcement rendered by the offender in deciding whether to offer a reduced plea, if implemented in a written statement, would in some cases expose the defendant to unnecessary risks. Similarly, the group believed that it would be unrealistic to expect that prosecutors will not consider the weaknesses in their cases in making the decision to offer reduced charges in exchange for guilty pleas.

The group supported the concept of Standard 3.4, which would impose a time limit after which plea negotiations could no longer be conducted. Such a rule would further efficient court administration, assuring a docket of cases that would definitely either go to trial or result in a plea of guilty to the original charge. It was noted by the participants that the enactment of a court rule embodying the principle of this Standard would be of particular benefit in outstate districts, forcing an early resolution of cases. Unfortunately, the Standard does not promulgate a specific cut-off time during the process of criminal cases after which negotiations must cease. The group concluded that this matter should be left to the Task Force.

Standard 3.5, providing that defense counsel

must be involved in plea discussions, was approved by the workshop as a codification of existing practice.

The principle of Standard 3.6, which would place restrictions upon prosecutors who allegedly coerce defendants to plead guilty, was supported by the workshop, although the participants were dubious that prosecutors utilize such inducements in their daily practice. Some question exists as to whether the prohibitions in this Standard could be adequately supervised, except perhaps by the court acting pursuant to Standard 3.2.

Standard 3.7, which deals with the acceptability of a negotiated guilty plea, appears to be a corollary of Standard 3.2. As such, the group approved it as a restatement, although perhaps in greater detail, of present practice. The workshop questioned whether a representative of the police department should be present at the time a guilty plea is offered. It is unclear what information the police officer could provide the court that would not be contained in the presentence investigation. If the thrust of the Standard is simply to provide information to law enforcement regarding the fact that plea negotiations have occurred in a particular instance, it was our belief that police officers should be informed about the possibility of a reduced charge much earlier in the proceedings. In fact, the group recommended that law enforcement officers should be made aware of potential plea negotiations in a particular case and their reactions solicited thereto, as a means of improving police-prosecutor relationships. As a corollary to this point, it was noted in our discussions that one impediment to close working relationships between law enforcement personnel and prosecutors is the prosecutor's unwillingness to file charges in cases developed by police officers who believe that a probable cause basis exists therefor. The group concluded that the prosecutor's arbitrary decision to charge cases exacerbates effective relationships between prosecutors and police far more than the plea negotiation process does.

Personnel and Institutions: The workshop group considered Standard 8.1 briefly, recognizing that the court unification issue is in part a political question which may be resolved by the bill currently pending in the Minnesota Legislature. The group was benefitted by presentations on the subject of court unification made by staff members of the Select Committee on the Judicial System, a group which is presently studying the subject of Standard 8.1 and related matters.

It is significant to note that the staff personnel of the Select Committee emphasized that Standard 8.1 should not be considered without a corresponding analysis of the court administration Standards, although it is clear that Standards 9.1-9.6 may be enacted absent implementation of Standard 8.1. The group concluded that the issue of court management was more important for its consideration than that of unification.

Certain practical court administration matters were raised by the group in its consideration of these Standards. Primary among the problems was the suggestion that state financing of the court system at least implies central administrative control as well. Such a suggestion apparently is a widespread objection to the unified court system, and the workshop, while not endorsing Standard 8.1, proposed alternative approaches to the specific recommendations contained in Standards 9.1 - 9.6 that would assure local administrative control in certain instances which could be implemented immediately to improve management in the courts.

For example, the workshop participants, in recognizing that Minnesota in fact has a State Court Administrator who performs many of the functions enumerated in Standard 9.1, recommended that Standard 9.1(1) be modified to provide that the State Court Administrator, in cooperation with local presiding judges and trial court administrators, prepare a budget for the entire court system for submission to appropriate funding agencies in local districts.

It was also noted that the activities recommended to be performed by the State Court Administrator under Standard 9.1(6) are in fact presently performed by the Judicial Council of Minnesota. Similarly, in Standard 9.1(7), present practice is for Chief Judges in the State's Judicial Districts to assign judges in that district and that the Supreme Court Chief Justice is responsible for assigning judges, as required, from one district to another. The group concluded that present practice is superior to the recommendations of the Standards.

The group considered Standards 9.2 and 9.3 together, recognizing that, even if a presiding judge is selected on the basis of administrative ability rather than seniority, judges typically are at best indifferent administrators. Consequently, we endorsed the principle that administrative ability should be a prerequisite to selection as presiding judge, but we also favored the concept of local or regional trial court administrators.

The workshop recommended certain modifications in Standards 9.2 and 9.3. With respect to Standard 9.2, it was felt that the Chief Justice should select

the presiding judges, a method which would be more likely than the present system to insure that presiding judges possess administrative ability and that the position not merely rotate among the judges in the district or be delegated to the senior judge, both of which methods are utilized presently.

The second proposed modification relates to Standard 9.3. The Standard recommends that local and regional trial court administrators be appointed by the State Court Administrator. Our workshop suggested that judges in the local judicial District(s) be empowered to hire the court administrators. This would effect the rationale of Standard 9.1, which states in substance that effective court administration requires a balance of central control (appointment of presiding judges by the Chief Justice, for example) and accommodation to local conditions.

The workshop participants also noted a potential overlap between Standards 9.2(1) and 9.3(4). The recommended solution is to involve the local court administrator in the hiring procedure (advertising available positions, screening applicants, etc.) but to allow judges to make the actual employment decisions.

The question as to whether caseload monitoring should be the responsibility of the presiding judge or the local court administrator was raised with reference to Standard 9.4. The group concluded that the court administrator should be responsible for making this information available to the presiding judge, who in turn would base his judicial assignment decisions on the data.

Standard 9.6, which provides that the presiding judge should establish a forum for dialogue between the court staff and persons in the community, raises the issue of public relations and the courts (noted earlier in this report in the discussion of plea negotiations). The workshop members made two general observations regarding this Standard: (1) Public relations for the courts is the province of an active and aggressive Judicial Council, and (2) efforts to initiate and maintain a meaningful dialogue between practitioners in the criminal justice subsystems should receive priority attention.

Sentencing: The workshop group considered Standards 5.1 - 5.13 of the "Corrections" Standards and Goals.

Standard 5.1, which establishes judicial, rather than jury, responsibility for sentencing, is the law in Minnesota. This Standard, therefore, is not applicable.

Standard 5.2, dealing with sentencing the nondangerous offender, raised several issues of consequence to the judiciary. First, the judges expressed the opinion that the rationale underlying this Standard has already been implemented in Minnesota. Sentencing to correctional institutions is typically resorted to only when the offender has proven repeatedly that less drastic alternatives (probation, fines) have not deterred his criminal conduct. Secondly, the judges in the workshop noted that, given the present system of indeterminate sentencing, the Minnesota Corrections Authority decides where to parole the offender; hence, whatever disparity of sentencing does exist is rectified by the parole board. This, at least, is the philosophy of the Corrections Authority: In those instances in which judges impose inappropriately long sentences for the nondangerous offenders, the Authority will review their situations shortly after confinement, so that any sentencing mistakes may be rectified. Consequently, the workshop concluded that legislation embodying the recommendations contained in this Standard would be unnecessary.

The workshop members did discuss, however, certain practices of the parole board that were considered to be objectionable. The judges are unaware of the factors considered by the Authority in arriving at a parole decision, and do not know what information the Authority considers relevant to the decision. The workshop participants recommended that the release decision typically should not be made until input is received from police, prosecutors and victims, and that parole officers should be contacted prior to the hearing and encouraged to compile this information and to attend the hearing personally.

Similarly, this group recommended that the sentencing judge should be notified when an offender is paroled, and that the judge should receive the following information; the offender's progress during incarceration and the plan proposed for his activities after release. The judges further recommended that they be notified when parolees sentenced originally by them have their parole revoked. Probation officers in the group recommended that they be afforded opportunities to discuss periodically with the sentencing judge the offenders' progress during incarceration.

The workshop group supported the concept of a Guidebook for Minnesota Corrections, compiled by the Department of Corrections, which would provide a detailed description of dispositional alternatives available to the sentencing judge, along with a candid appraisal by the Department and the Ombudsman for Corrections of the

effectiveness of such alternatives for certain types of offenders. It was mentioned in the group discussion that a resource person will be made available to District Judges in the Second Judicial District to inform sentencing judges of appropriate rehabilitative programs, but there is no such resource available in all districts nor for the institutions.

The workshop expressed support for Standard 5.3, theorizing that a small percentage of offenders should be subject to extended sentences and a minimum mandatory sentence to be served before becoming eligible for parole.

With respect to Standard 5.4, the workshop group expressed concern about the possibility of vagueness in 5.4(4.a.), which in effect permits the arrest of a probation violator on less than probable cause. While the group noted that probation officers in Minnesota do not take alleged violators of probation into custody unless the violation is clear, the group concluded that a probable cause standard should be incorporated into 5.4 (4.2.) and that the due process protections afforded probationers under Subparagraph b. of this section be extended to probationers in the preceding subparagraph.

In considering Standard 5.5, the workshop supported the idea of a study to determine the deterrent effect of fines in certain instances. Such a study is recommended in the Commentary to the Standard. The judges in the group indicated that fines alone clearly do not deter crimes of violence or passion, but they admit that the utility of fines in other situations is unknown. The judges further questioned whether and under what circumstances restitution should be exacted as a condition of probation. Finally, the group recommended that the legislation suggested authorizing the imposition of fines to be payable in installments not be enacted.

The workshop supported the concept of Standard 5.6: offenses pending against one defendant should be consolidated wherever possible for administrative and sentencing purposes. The question of implementation of the Standard was raised, however: Is it possible to determine all jurisdictions having charges outstanding against a particular defendant? The group recommended that defense counsel be responsible for making this determination.

The workshop supported the proposals contained in Standards 5.7 and 5.8.

The group rejected Standard 5.9, which would give courts legislative authority to exercise continuing jurisidiction over sentenced offenders to insure that the treatment contemplated at the time of sentencing is in fact accorded to the incarcerated defendant. The workshop group concluded that other agencies or procedures are capable of effecting the goal expressed in this Standard, including the Ombudsman for Corrections, the Corrections Authority and post-conviction relief. The group also noted that Standard 5.10, recommending judicial visits to correctional institutions, would serve to acquaint the sentencing judge with facilities and treatment opportunities offered in prisons.

With respect to Standard 5.11, an attempt to eliminate sentencing disparity by means of sentencing councils, training programs or a special review board to consider sentences imposed, the group concluded that sentencing disparity, if it exists at all, is or should be rectified by the Minnesota Corrections Authority. Similarly, the use of sentencing councils (Standard 5.13) was seen primarily as an unnecessary experiment which would undoubtedly result in delays in sentencing, particularly in outstate areas where judges would experience difficulty in meeting for this purpose.

Workshop Number: 9
Workshop Title: The Court Process
Workshop Leader: Sandra Holien

Workshop #9 was composed of approximately ten individuals. These ten individuals, represented the following positions in the criminal justice system in Minnesota: county attorneys, court administrators, court deputies, clerks of court, probation officers, parole agents, and court planners.

Rather than selecting a few significant or controversial standards for in-depth discussion, workshop participants voted to do a systematic review of all the standards assigned to our workshop category. This resulted in a rather limited analysis of some of the standards drafted by the National Advisory Commission, but it did provide workshop participants with a broad overview of the entire court process.

In attempting to formalize the group's decisions on all of the standards considered by them, this report will necessarily reflect the limitations of the review procedure used by this workshop. However, in order to provide a more accurate assessment of group opinion, this report will follow a similar standard by standard format.

Court Information Systems, Standards 5.1 - 5.4

Group members felt the standards included in this section were generally desirable and should be approved for adoption by Minnesota. However, there was no detailed discussion of the majority of these standards as many of the goals outlined in Standards 5.1 - 5.3 are already in operation in Minnesota. Standard 5.4, **Case Management for Prosecutors,** received the greatest attention by the group. While there was general approval of the information system on case flow recommended by this standard, some exception was taken to the provisions on "weighting the case" and "rating adequacy of investigation and legality of procedure by each police unit", provisions 1 and 8 respectively. The county attorney in particular objected to the inclusion of these provisions in Standard 5.4 on the grounds that: 1) when an open file system is maintained by the county attorney's office it is undesirable for any written statement to appear on record which might undermine the prosecutor's case; 2) there are no criteria available for evaluating police investigations. In addition, the general group feeling was that evaluations of police procedure and conduct should be made solely by the individual police departments.

With the exception of these two provisions, however, Standard 5.4 was recommended for adoption by the group.

The Negotiated Plea, Standards 3.1 - 3.8

Of all the standards reviewed by Workshop #9, perhaps none was more controversial or provoked more discussion than Standard 3.1, **Abolition of Plea Negotiation.** The corrections people in our group were generally in favor of abolishing plea negotiations since they felt it hindered their efforts to rehabilitate the convict. These opinions were based on the following rationale: One of the first steps in rehabilitating an offender is to make him realize that he is being penalized for a specific criminal act or acts and then to help him accept the "justness" of the penalty imposed by society. This is a necessary step in any rehabilitative process and serves as a negative reinforcement so that, ideally, when the offender is released from custody he will not revert to his prior criminal conduct. When plea bargaining occurs it subverts the rehabilitative process by reducing the original charge to a lesser offense or reducing the sentence imposed normally for the type of crime charged. Corrections people allege such a process diminishes the offender's respect for the criminal justice system.

Those in opposition to abolishing the negotiated plea conceded that there were some disadvantages to plea bargaining, but felt that they were outweighed by the advantages derived by the court, counsel, and the public. One of the major advantages cited by the group was judicial economy, i.e., judges could devote more time to trying cases involving more substantive issues, county attorneys could devote more time to preparing such cases, and the public would be spared the financial burden of providing full judicial process for all defendants. In addition, by retaining the negotiated plea as a legitimate alternative in the criminal justice system the rights of the accused could be more fully protected by assuring that there would be no clandestine negotiations which would not appear on record. In the end, the majority recommended rejection of Standard 3.1 and retention of the negotiated plea as a legitimate alternative in Minnesota.

The remaining standards in the Negotiated Plea section were almost uniformly recommended for adoption by the entire group. Again, many of the remaining standards are already in effect in Minnesota and the group believed them to be necessary in a system which allowed negotiated pleas. Standard 3.4, however, was rejected as being

unrealistic. The majority of workshop participants felt it would be undesirable to impose an arbitrary time limit on the use of negotiated pleas and basically unfair to defendants. Standard 3.7,

Acceptability of a Negotiated Guilty Plea, also met with some opposition from the group, but it was recommended for adoption if the second to the last paragraph was amended to read: "A representative of the police department **may** be present at the time a guilty plea is offered and should be informed of the plea if not present". While the group generally felt it was desirable for the police to be represented, they agreed that it was not always feasible and that their presence should not be made mandatory.

The Litigated Case, Standards 4.13 - 4.15

Although Standard 4.14, **Jury Size and**

Composition, was considered somewhat controversial it met with no opposition and all three standards in this section were recommended for adoption without extensive discussion.

Sentencing, Standard 5.1

Participants in Workshop #9 determined that this standard addressed a problem which did not exist in Minnesota since jury sentencing has never been allowed in our courts.

Review of the Trial Court Proceedings, Standards 6.1 - 6.9, Recommendations 6.1 and 6.2

The majority of standards in this section were recommended for rejection by the participants in Workshop #9. Standard 6.1, **Unified Review Proceeding,** was discussed most extensively by the group and they believed it to be unrealistic relative to Minnesota's needs. Group members felt that Minnesota already provides adequate review proceedings for convicted defendants and any savings which could be realized by providing one unified review proceeding for all defendants as of right would be illusory. One of the major criticisms of the standard was the judicial time which would be consumed in reviewing all criminal convictions in the state. Group members felt that the time consumed in these review proceedings would not be compensated for by the additional reviews that would be eliminated by such a process.

With the rejection of Standard 6.1 by the group, the remaining standards in this section were also almost uniformly rejected. The only exception to this was the adoption of Standard 6.9, **Stating Reasons for Decisions and Limiting Publication of Opinions.** Group members felt this was a realistic means of improving the efficiency of the appellate process and recommended adoption of this standard. Workshop #9 also approved Recommendations 6.1 and 6.2.

The Lower Courts, Standards 8.1 - 8.2

The first standard on **Unification of the State Court System** was disapproved by the group on the basis that not all judges are equally competent to handle all legal problems of varying complexity. Even if greater uniformity in judicial competence could be achieved through educational programs for judges, group members felt the same problems which now exist in our court system would continue to exist. Even with a unified trial court there would still be the necessity of dividing into separate divisions in order to handle varying types of cases in a rational manner. Also, group members believed that there was no compelling reason for Minnesota to adopt a unification program. Most members of the group felt the only compelling reason for unification would be a serious backlog of cases which Minnesota does not have.

Standard 8.2, **Administrative Disposition of Certain Matters Now Treated as Criminal Offenses,** was disapproved on the grounds that such a system basically exists in Minnesota already. Participants felt the last two paragraphs should be specifically rejected.

Court Administration, Standards 9.1 - 9.6

Modifications of varying degree were recommended by workshop participants for Standard 9.1 - 9.6.

Standard 9.1, **State Court Administrator,** was recommended for adoption with the following changes: the Supreme Court should not establish policies, but should merely set guidelines for the development of policies at the local level; the power of the State Court Administrator should be carefully circumscribed so that he would serve more as a coordinating officer for local trial court administrators. Members of the group felt the state court administrator's powers would have to be limited in order to make this standard acceptable to judges throughout the state.

Standard 9.2 was recommended for adoption with the following modifications: paragraph #2 should be amended to read "The Chief Justice, with the approval of the court, should have the power to appoint the presiding judge"; and in paragraph #7 it should be expressly stated that local courts may adopt local rules if they are not in conflict with State rules. There was no extensive discussion on this standard. Standard 9.3 was also adopted

by group #9 after some modification. Participants felt the last sentence in the first paragraph should be amended to read "appointment should be made by the presiding judge in the district" rather than by the State Court Administrator. This change was based on the group's belief that in order to be effective the local court administrator would have to have the confidence and respect of the judges in the district. Thus, it is far more practical for the local court administrator to be appointed by the judges with whom he will have to work. Both Standards 9.4 and 9.6 were recommended for adoption.

Court-Community Relations, Standards 10.1 and 10.6

Both of these standards were recommended for adoption by the group with little comment. However, the group felt that paragraph 2(d) of Standard 10.6 should not be included on the grounds that it was impractical to assign court dates according to when police officers would be available to give testimony. The group felt that this portion of the standard would be impossible to implement and was thus better excluded from the standard.

Computers and the Courts, Standard 11.1

Standard 11.1 was recommended for adoption, but only where it would be economically feasible to install computers to handle case scheduling.

The Defense, Standards 13.5-13.12

Standard 13.5 was recommended for adoption without much discussion. However, the group felt it was not qualified to act upon Standard 13.12 and therefore made no recommendation.

Sentencing, Standards 5.1-5.19

Discussion in this section of Workshop #9 was dominated by the people from corrections with the rest of the group generally acquiescing in all of their recommendations. Standard 5.2 was recommended for adoption with the following changes: paragraph 1(a) be amended to include "the rehabilitative needs of the defendant, consistent with public safety and the needs of the defendant." The group also recommended Standard 5.3 be adopted, but it wanted the term "professional criminal" deleted because the term is too nebulous. There is no way to prove that an individual's income is derived mainly from criminal activity. Such a standard would work greater hardship for defendants than it would benefit the judicial system. Standard 5.4 was recommended for adoption without comment. Likewise, Standards 5.5 to 5.8 were recommended without coment, but Standard 5.9 was not acted upon at all because the group felt it lacked adequate information upon which to base an opinion. One member of the group, however, raised the question of how this standard, if implemented, would affect the new professional parole board's authority.

The remaining standards in this section were recommended for adoption in their original form except for Standard 5.13. This standard was considered impractical because of the difficulty of getting judges together to sit on such a body.

NATIONAL ADVISORY COMMISSION STANDARDS REVIEWED BY THE *PRE-TRIAL SERVICES AND PROCEDURES* WORKSHOP GROUPS

STANDARD	TITLE
General	
Community Crime Prevention Recommendation: 5.3	Pretrial Intervention Programs
Police: 4.3	Diversion
Police: 7.4	Mass Processing of Arrestees
Police: 11.2	Legal Assistance
Pretrial Procedures for the Criminal Case	
Courts: 1.1	Criteria for Screening
Courts: 1.2	Procedure for Screening
Courts: 2.1	General Criteria for Diversion
Courts: 2.2	Procedure for Diversion Programs
Courts: 4.1	Time Frame for Prompt Processing of Criminal Cases
Courts: 4.2	Citation and Summons in Lieu of Arrests
Courts: 4.3	Procedure and Misdemeanor Prosecutions
Courts: 4.4	Citation and Release on own Recognizance
Courts: 4.5	Presentation before Judicial Offices following Arrest
Courts: 4.6	Pretrial Release
Courts: 4.7	Non-appearance after Pretrial Release
Courts: 4.8	Preliminary Hearing and Arraignment
Courts: 4.9	Pretrial Discovery
Courts: 4.10	Pretrial Motions and Conference
Courts: 4.11	Priority Case Scheduling
Courts: 4.12	Continuances
Special Problem Areas	
Courts: 15.1	The Court Component and Responsibility for its Development
Courts: 15.2	Subject Matter of the Court Plan
Courts: 15.3	Prosecution Services
Courts: 15.4	Defense Services
Correctional Concerns	
Corrections: 3.1	Use of Diversion
Corrections: 4.1	Comprehensive Pretrial Process Planning
Corrections: 4.2	Construction Policy for Pretrial Detention Facilities
Corrections: 4.3	Alternatives to Arrest
Corrections: 4.4	Alternatives to Pretrial Detentions
Corrections: 4.5	Procedures Relating to Pretrial Release and Detention Decisions
Corrections: 4.6	Organization of Pretrial Services
Corrections: 4.7	Persons Incompetent to Stand Trial
Corrections: 4.8	Rights of Pretrial Detainees
Corrections: 4.9	Programs for Pretrial Detainees
Corrections: 4.10	Expediting Criminal Trials
Corrections: 6.3	Community Classification Teams

Workshop Number: 10
Workshop Category: Pretrial Services and Release Procedures
Workshop Leader: Tom Griffiths

Cts. Standard 4.2 — Citation and Summons in Lieu of Arrest

The Standard is concerned with the whole process of citation and summons in lieu of arrest. In many police jurisdictions throughout the state of Minnesota the procedure outlined by the standard has been on the books for many years but has not been implemented. In relation to traffic cases it was apparent years ago that, due to clogged calendars, some sort of citation should be issued. For a majority of traffic offenses an individual now receives a citation and is allowed either to pay a fine or to make court appearances. The standard holds that the opportunity for a citation should be available in other kinds of cases, but there is a severe problem with citation programs throughout the state of Minnesota and throughout the country. The major problem with a citation program seems to be with the police officers themselves and with the philosophy of police agencies.

There seems to be an information gap between pretrial release departments and police departments. There is a need for information to be gathered from pretrial services agencies regarding other citation programs and the overall effectiveness of citation in lieu of arrest procedures. It also is important to gather information from local police departments in relation to what kinds of citations are being issued at the present time, what overall department philosophy is indicated, and what kind of training, if any, would be provided to officers issuing citations.

The group felt that the standard is useful and that it does have important implications for the state of Minnesota. It was felt that police officers should be trained to issue citations on a positive basis. The standard defines five areas where a citation would not be issued, and it is important that pretrial services agencies assist in the training of police officers in an effort to,indicate the information necessary to issue a citation. It was felt that if officers are taking a negative approach to the evaluation of the client, this may result in fewer citations being issued and in citation programs moving very slowly. For example, unless training in the determination of what represents a danger to individuals or the community is provided, the officer could use any number of vague and subjective criteria to warrant not issuing a citation.

In accord with Section 2 of the standard, the group recommended that the accused be informed of the offense with which he is charged. However, it was felt that it was not a function of the police officer to set court dates or make determinations as to the exact location of trials or preliminary hearings. It was felt that the defendant should have an opportunity to report within a certain length of time either to a clerk's office or to a pretrial services agency, and at that point court dates and other information would be dispensed to the client. Also, it was felt that attorneys and not the defendant should make motions and preparation for arraignment, and that a judicial officer should be appointed to screen cases for attorneys. The group felt that "Own Recognizance" (OR) projects should be responsible for making public defender eligibility determinations and could do the screening for that along with the other possible bail evaluations and also in conjunction with the clerk's office or other agency determining court dates. It was further recommended by the group that the officer should be required to state why he is not issuing a citation in a particular case.

To implement such a recommendation, it was felt that the State Supreme Court would have to issue direct orders to all state agencies that citation and summons in lieu of arrest procedures would be mandatory and indicate a target date. It was felt by the group that legislative action along with Supreme Court action my be necessary and that to proceed on a voluntary basis would only result in the same kind of acceptance by police departments that we have at the present time. There are a number of financial considerations to be taken into account in terms of setting up a citation program and working it in conjunction with existing procedures, and this could work a considerable hardship on rural communities. However, it was felt that such a program could save police officers' time and jail costs in rural communities as well as in major cities. It would be expected that pretrial services agencies would monitor such programs and provide assistance and training for police agencies.

This standard was considered to be of equal priority with Standards 3.1 and 4.6, and it was felt that if pretrial services agencies and other types of release procedures were going to get off the ground, the citation and summons in lieu of arrest procedure would have to be implemented as soon as possible.

Corr. Standard 3.1 — Use of Diversion

The group felt that there was an overall lack of coordination of diversion programs. The police have diversion programs, private agencies have diversion programs, and there are many other formal and informal diversion programs. As a result of the varying types of programs, there appears to be a lack of overall coordination, a lack of accurate record-keeping and a question of jurisdictional boundaries. This is evident in Minnesota as well as in other areas of the country, and the group felt that the primary problem is with police and private agencies doing a number of different things under the heading of diversion.

The group felt that in relation to juvenile cases in particular diversion needs to be formalized, and that just because an individual turns 18 the diversion information should not be lost but should be processed to other court jurisdictions.

The group felt very strongly that this standard could be implemented and that one of the obstacles to implementation would be the evaluation of clients on the basis of their own characteristics and not on the offenses that they were charged with. It was further indicated by the group that in the rural communities the training of various probation and prosecutor offices would have to be provided in order to implement an effective statewide diversion project.

The group did not get into the areas of legislative decisions or funding guidelines with respect to implementation of this standard and discussed only briefly some political problems involving the standard. The primary question left unresolved related to who would be making the final diversion decision in rural communities.

The group felt that this standard was of high priority in that it has implications for pretrial release procedures and pretrial release screening. The group indicated that this standard would have to be implemented in conjunction with other pretrial release standards and procedures and should be considered a top priority item.

Cts. Standard 4.7 — Nonappearance after Pretrial Release

The standard is concerned with establishing a procedure for individuals who do not make court appearances and determining what the penalty should be for nonappearance. The group questioned whether or not there is a problem in this area and felt that many jurisdictions and agencies already have established procedures to handle non-appearance cases.

The group generally felt that this Standard was not applicable to any particular problems in the state of Minnesota. There is sufficient information to indicate that most courts and police agencies are already set up to deal with nonappearance cases and that the procedures seem to be working very well at the present time. The group felt that the Standard was not a suitable one and did not apply to situations as they exist in the state of Minnesota.

Corr. Standard 4.1 — Comprehensive Pretrial Process Planning

After spending a considerable period of time discussing this standard and some of its components, the group decided to accept it as stated. The group indicated that the last paragraph of the standard, which calls for a comprehensive plan for the pretrial process, seemed to sum up its intent, and felt that implementation of this standard would be essential.

It was felt that mandatory planning should be required in all county jurisdictions in relation to pretrial services and procedures and that all of the various components as indicated in the Standard should be included in such planning efforts. It was further indicated by the group that legislative action may be necessary to require each county jurisdiction to follow through on pretrial planning and that such legislative action should have realistic target dates.

Cts. Standard 4.6 — Pretrial Release

The standard calls for the elimination of bail/bond agencies. The group felt that there is a serious problem in the state of Minnesota in relation to private bail/bond agencies, and it was felt that in rural communities bail/bond agencies and cash bail or bond procedures are the only ways for release.

The group felt that it is essential to determine the effects of bail or bond as opposed to OR, conditional release, citation, or 10% cash bail. Some members of the group felt that it is unrealistic to recommend that bail/bondsmen should be eliminated and indicated that some individuals will prefer to post bond rather than to wait for other pretrial release procedures.

The group indicated that the bondsman should be placed on the lower end of the release procedure and that other elements relating to release should be of higher priority. The group felt that citation in lieu of arrest would be on top of the list, followed by stationhouse release procedures, OR evaluation procedures by pretrial services programs,

unsecured bonds, 10% cash bail, and, finally, private bonding agencies. It was felt by the group that if these other procedures are made available, more equitable releases of all incarcerated clients will be obtained.

The group felt that legislative action as well as Supreme Court action would be necessary to implement this standard and that such legislative action should list in the above-stated priority the types of releases to be effected. Certainly the client has the option to choose which type of release procedure he prefers, but all agencies should be aware of alternative release procedures to cash bail or bond.

The group felt that the bonding agencies are a strong political group and have in-roads in many areas, and, unless legislation can be passed, many communities will not change. This standard should be implemented as soon as possible and should follow closely the guidelines set down in the New Proposed Supreme Court Rules of 1975.

NATIONAL ADVISORY COMMISSION STANDARDS REVIEWED BY THE *JUVENILE JUSTICE* WORKSHOP GROUPS

STANDARD		TITLE
Detention		
Corrections:	16.9	Detention and Disposition of Juveniles
The Courts		
Courts:	14.1	Court Jurisdiction over Juveniles
Courts:	14.2	Intake, Detention and Shelter Care in Delinquency Cases
Courts:	14.3	Processing Certain Delinquency Cases as Adult Criminal Prosecutions
Courts:	14.4	Adjudicatory Hearing in Delinquency Cases
Courts:	14.5	Dispositional Hearings in Delinquency Cases
Intake		
Corrections:	8.1	Role of Police in Intake and Detention
Corrections:	8.2	Juvenile Intake Services
Corrections:	8.3	Juvenile Detention Center Planning
Corrections:	8.4	Juvenile Intake and Detention Personnel Planning
Diversion		
Corrections:	3.1	Use of Diversion
Courts:	2.1	General Criteria for Diversion
Courts:	2.2	Procedure for Diversion Programs
Youth Service Bureaus		
Community Crime Prevention:	3.1	Purpose, Goals, and Objectives
Community Crime Prevention:	3.2	Decision Structure
Community Crime Prevention:	3.3	Target Group
Community Crime Prevention:	3.4	Functions
Community Crime Prevention:	3.5	Staffing
Community Crime Prevention:	3.6	Evaluation of Effectiveness
Community Crime Prevention:	3.7	Funding
Community Crime Prevention:	3.8	Legislation
Delinquency Prevention		
Community Crime Prevention Recommendation:	5.1	Expansion of Job Opportunities for Youth
Community Crime Prevention Recommendation:	5.2	After School and Summer Employment
Community Crime Prevention Recommendation:	6.1	The Home as a Learning Environment
Community Crime Prevention Recommendation:	6.2	The School as a Model of Justice
Community Crime Prevention Recommendation:	6.3	Literacy
Community Crime Prevention Recommendation:	6.5	Reality-Based Curricula
Community Crime Prevention Recommendation:	6.6	Supportive Services
Community Crime Prevention Recommendation:	6.7	Alternative Educational Experiences
Community Crime Prevention Recommendation:	7.1	Use of Recreation to Prevent Delinquency

Workshop Number: 13
Workshop Title: Juvenile Justice
Workshop Leader: Ann Jaede

Participants in the three juvenile justice workshops represented professionals working in the criminal justice system, in social services agencies and programs outside of the criminal justice system, and interested citizens from throughout Minnesota. Members of all three groups commented on the broad spectrum of expertise present and noted that the only group missing were the youth themselves.

The workshop suggested several areas that should be explored by the Minnesota Task Force which were not covered by the National Advisory Commission standards. These included: 1) the issues of children's rights and its relationship to the juvenile justice system; 2) the special problems of collecting and maintaining juvenile records, of determining who should have access to them and what types of information should be maintained in them; 3) the special problems of female juvenile offenders; 4) the time frame of juvenile processing; and finally 5) the needs of victims of juvenile delinquent acts.

The group engaged in a general discussion of the role of youth in our society and agreed that the courts could not be expected to solve the problems of families, the schools or the community. The group's feeling was that until communities become actively involved in providing supportive services for youth which do not result in stigmatization and labeling, the juvenile justice system will stay basically the same.

Workshop suggestions about specific standards are below.

Corrections 16.9 Detention and Disposition of Juveniles

The participants in workshop #13 recommended the removal of status offenses from the statutes. However, when all three juvenile justice groups met together, participants recommended that status offenses be retained but that dispositions available to the court for the status offender be limited. The group recommended that institutionalization of status offenders be prohibited and that the court should not be allowed to enter a finding of delinquency. It was generally agreed that while the use of status offenses by the court might put an unfair burden of guilt on the child, it is sometimes the only means of forcing a family to seek the help or services needed by family members.

It was generally agreed, regarding criteria for detention, that intake personnel and the court should make detention decisions. There should be exceptions to this in cases of alleged gross misdemeanors and felonies when youth should be automatically detained pending investigation. Law enforcement representatives in the workshop felt that this was extremely important in order to prevent destruction of evidence.

It was also agreed that detention should never be used as a disposition.

Courts 14.1 Court Jurisdiction over Juveniles

In Minnesota with the exception of Hennepin and Ramsey Counties, the juvenile jurisdiction is a part of the family division of the county court. Workshop participants agreed that a family court was the most appropriate location for juvenile jurisdiction. The standard recommends, however, that dependency cases be removed from the family court. Group members agreed that dependency cases may not always require court action but believed that a finding of dependency should be available to the court. This is particularly important for funding reasons. In Minnesota the Department of Welfare must have proof that a family is unable to support the child before assistance payments can be made. Group members believed that a court finding was the only realistic mechanism for providing this proof.

Courts 14.2 Intake, Detention and Shelter Care

Participants agreed with the standard, again recommending automatic detention in cases of felonies and gross misdemeanors. The group felt that criteria for making the detention decision should be developed and should be consistent from one part of the state to another. There currently appears to be wide diversity in detention decision making throughout Minnesota.

Courts 14.3 Processing Certain Delinquency Cases as Adult Prosecutions

An interesting issue was raised in regard to this standard. What should be done with a youth who has been certified as an adult, been tried, sentenced and released and then (still a juvenile) commits another offense? Should the youth be considered a juvenile as regards the second offense, or should a youth once certified as an adult automatically be considered an adult for subsequent offenses? If he is to continue in the court's mind as an adult after that point does the certification also provide the youth with the other privileges and rights of majority?

Courts 14.4 Adjudicatory Hearing in Delinquency Cases (No recommended changes)
Courts 14.5 Dispositional Hearings in Delinquency Cases
Corrections 8.1 Role of Police in Intake and Detention

The workshop generally agreed with the standard. Members recommended that juveniles continue to be fingerprinted in accordance with current Minnesota statute.

Corrections 8.2 Juvenile Intake Services

Participants from the three workshop groups agreed at the final session that intake services should be part of the juvenile court. The group felt that this standard allowed the intake personnel too much flexibility in decision making. The group recommended that the intake division be allowed to make two choices: 1) whether to petition on to court; 2) whether to release the child and close the case. The group agreed that intake personnel should not be allowed to make informal disposition decisions.

Corrections 8.4 Juvenile Intake and Detention Personnel Planning
Corrections 8.3 Juvenile Detention Center Planning
Corrections 3.1 Use of Diversion
Courts 2.1 General Criteria for Diversion/no recommendation
Courts 2.2 Procedure for Diversion

These two standards were acceptable in part, but the group agreed that the decision made by the prosecutor **not** to divert should be subject to judicial review. Members also felt that parental rights should be considered in relation to the development and operation of youth service bureaus. The group was unable to agree that the Youth Service Bureau standards recommended by the NAC were totally appropriate for Minnesota.

Community Crime Prevention Recommendation 5.1 Expansion of job opportunities after school and summer employment
Community Crime Prevention Recommendation 5.2 Acceptable but should include reference to social and emotional needs as well
Community Crime Prevention Recommendation 6.1 The Home as a Learning Environment

Recommended that a task force involving the whole community be established to develop home environment education rather than only school officials.

Community Crime Prevention Recommendation 6.2 The School as a Model of Justice (no comments)
Community Crime Prevention Recommendation 6.3 Literacy — should be by 1976 in Minnesota rather than 1982
Community Crime Prevention Recommendation 6.5 Reality-based Curricula
Community Crime Prevention Recommendation 7.1 Use of Recreation to Prevent Delinquency
Community Crime Prevention Recommendation 6.6 Supportive Services

Workshop members also discussed the problems of funding of youth services. In particular the group commented on the often conflicting guidelines of numerous federal and state programs which fund youth services. It was suggested that the Task Force consider standards which would make explicit guidelines for funding of various youth service programs.

Workshop Number: 14
Workshop Title: Juvenile Justice
Workshop Leader: Jayne B. Beck

I. **16.9 — Detention and disposition of juveniles**

The group recommended that item number three of this standard be more specific in terms of length of time a juvenile could be detained.
Recommendation:

Change "over night" to "one court day"

In item number four, it was the general concensus of the group that there is a lack of communication between law enforcement officers and intake personnel in detention decisions. It was pointed out that police officers in some cases need time to complete investigations, obtain search warrants, etc.
Recommendation:

Law enforcement officers should be permitted to make decisions regarding detention of juevniles when a Gross Misdemeanor or Felony type offense is involved.

14.1 — Court jurisdiction over juveniles

The group felt that the whole question was one of decriminalization of Status offenses, it was further felt that the issue was a social as opposed to a legal one. The question did arise that if jurisdiction was removed from the courts, who would deal with the matter? The standard specifically omits dependent children.
Recommendation:

Leave status offenses on the books and limit available dispositions; decriminalize status offenses. (juvenile could not be adjudicated delinquent).

14.2 — Change "24 hours" to "one court day"
14.3 — O.K. as is.
14.4 — Adjudicatory hearing in delinquency cases
Recommendation:

The standard should address itself to the fact that if a public defender is to be present (as stated) a County Attorney should also be involved. It was the feeling of a number of members of the group that the whole issue revolved around an academic argument where the cure of current problems may be worse than what exists now.

14.5 — O.K. as is.
8.1 — Role of police in Intake and Detention
Recommendation:

Change to reflect same concerns as standard 16.9. On item number three of this standard, it was unclear just what was meant by the term "Extrajudicial statements". The group felt that a clearer definition was needed.

It was further recommended that number four under this standard be deleted because it is already covered by the current juvenile court order process.

8.2 — Juvenile Intake Services

The group in general was concerned that the standard indicated that the court was giving intake personnel prejudicial responsibility.
Recommendation:

Change 1(b) from "seem arbitrary" to "are arbitrary", change number 7(c) to read "detention decisions should be made by the court or intake personnel". Change 7(d) to "one court day" instead of "over night".

8.4 — Juvenile intake and detention personnel planning
Recommendation:

O. K. as is; however, would like a clearer definition of number eight. What is meant by "pursued actively"?

8.3 — Juvenile Detention Center Planning

There was a general feeling of the group that number one of this standard is conflicting in and of itself. The recommendation that the facility be located in a residential area in the community and near court services needs more elaboration. Most court services are in a downtown area. How near are they suggesting the facilities be placed? Most first ring communities boarding the downtown area are minority communities. Is it being suggested that this is the only suitable community in which to have such facilities?

The group strongly supported number nine of this standard.

3.1 — Use of diversion

The question was raised about whether or not there should be a provision for judicial review of the diversion decision?

2.1 — O.K. as is.

2.2 — Procedure for diversion program

Number seven of this standard states that the "decision by the prosecutor **not to** divert a particular defendant should not be subject to judicial review". The group felt that this implied that the decision **to** divert would be subject to judicial review and, therefore, we decided it should so state.

3.1 — O.K. as is.

3.2 — O. K. as is.

3.3 — Target Group

The group generally agreed that the court should be able to allow the youth to use the services of the youth services bureau, but the fact that he agrees to accept the services alone, should not prevent the court from taking other steps if he fails to use the services. It was felt that this would, in effect, be like not paying a fine levied by the court which would make the person in contempt of a court order. Another example would be in the case of an adult who refused to attend a driver improvement clinic after committing a driving offense and being ordered by the court to attend.
Recommendation:

Paragraph six should be amended to read as follows:

Cases referred by law enforcement or court should be closed by the referring agency when the youth agrees to accept the youth services bureau's service, except in those referrals covered by a formal written agreement (specific court order). Other dispositions should be made only if the youth commits a subsequent offense that threatens the community's safety.

3.4 — Functions: O. K. as is.

3.5 — Staffing: O. K. as is.

3.6 — Evaluation of effectiveness: O. K. as is.

3.7 — Funding: O. K. as is.

5.1 — Expansion of job opportunities, O. K. as is.

5.2 — After School and summer employment
Recommendation:

The group felt that the primary aim in establishing the standard was eliminating or lessening delinquency, not just helping a youth's economic needs. For this reason it was felt that the statement dealing with economic need should be expanded to deal with "selection on the basis of economic, and/or social-emotional need".

6.1 — The home as a learning environment

The group felt that if in fact parents were to be involved in the project after formulation then they should have a part in the formulation process. It was recommended that the first sentence eliminate the term "educational authorities" and insert "an educational task force consisting of total community representation".

Recommendation: 6.2 — The school as a model of justice, O.K. as is.

Recommendation: 6.3 — Literacy

The procedures are now in effect in some Minnesota school districts. They are to be in effect in all Minnesota schools on a voluntary basis by January 1975. The group recommends that they become mandatory in all Minnesota schools by January 1, 1976 instead of 1982.

Recommendation: 6.5 — Reality based curricula, O. K. as is.

Recommendation: 6.6 — Supportive Services, O.K. as is.

Recommendation: 6.7 — Alternative Educational Experiences, O. K. as is.

Recommendation: 7.1 — Use of recreation to prevent delinquency, O. K. as is.

Workshop Number: 15
Workshop Title: Juvenile Justice
Workshop Leader: Nancy Sperry

Workshop #15 on Juvenile Justice standards and goals was composed of nearly equal representation from education, mental health, youth development, law enforcement, courts, corrections and public welfare. Every member contributed numerous suggestions and comments during the discussion. The group leader's role became an informational role at most times, offering facts on already established programs, or asking questions designed to draw out information the group appeared to need to clarify an issue and make a knowledgeable decision on a particular standard. The group was quite concerned about the actual amount of input that their suggestions would have upon the final formulation of Minnesota standards on Juvenile Justice. This should be a major concern of the Task Force, also. Comprehensive and frequent communication of Task Force progress in the various subcommittees to individual conference participants is a must. They should be able to see the influence their suggestions, as a group, have upon the Task Force output.

The following recommendations were made by the group concerning the National Advisory Commission standards relating to Juvenile Justice.

DETENTION

Corrections: 16.9 Detention and Disposition of Juveniles

This standard addresses three issues: retaining status offenses, the establishment of provisions governing the detention of juveniles, and the establishment of juvenile diversion programs.

Most committee members felt that status offenses should be retained in the Juvenile Justice System. However, in the case of status offenses, the court should refrain from a delinquency adjudication, thereby decriminalizing the status offense. All available community resources should be utilized in providing an alternative to delinquency adjudication. In addition, it was felt that all petitions should have the family's name, and not simply the youth's.

In the area of detention the following were of major concern. It was strongly advised that a judge or arm of the court should make the decision regarding detention of a juvenile, rather than a law enforcement officer. The law enforcement officer, should, however, be able to request that a youth be detained in the case of a felony or misdemeanor, if the judge will approve it the next day. If a juvenile is to be detained longer than 48 hours, the youth should be transferred to a regional detention facility. Finally, the committee felt that (4.) should be eliminated entirely or limited to youth over age 16.

In the area of diversion, the group felt that the diversion program should be outside of the court intake or probationary service, but should have certain "controls" in dealing with the youth. Youth Service Bureaus, for example, should be able to refer a youth back to the court, if the youth or parents refuse adequate cooperation, the diversion program is unsuccessful, or the youth commits a subsequent offense.

COURTS

Courts: 14.1 Court Jurisdiction Over Juveniles

The committee spoke overwhelmingly in favor of the family court proposal. It was pointed out that the family courts do already exist in some Minnesota counties. However, most disagreed with the idea of excluding "dependent children" from the family court's jurisdiction. Most felt the category of "neglect" did not include all dependency cases. Dependency was defined as a situation where a parent or guardian could not provide for the needs of a particular child, whether they be economical, educational, or social/emotional needs. Neglect, on the other hand, described a situation where the parent or guardian refused to care for the physical or psychological needs of the child. The difference is important in situations where an attempt is being made to remove a child from the home while at the same time continue a helping relationship with the parents. In a dependency situation where the parents are helped to admit to the court that they cannot meet the child's needs — and the child is placed in an alternative setting — a much healthier situation prevails for both child and parent.

This is in contrast to the "outsider" accusing the family of neglecting their child and "taking" the child from them. The social worker would undoubtedly be "tuned out" for any additional help, and the child witnesses his parents being condemned and so labels them.

In addition to the development of a specific family court for juveniles and family-related problems, the suggestion was made that legislation be enacted to provide for a

maximum amount of time during which a juvenile must be fully processed by the court system. It is far too long a time between the initial apprehension to the completion of the petition and, finally, the adjudicatory and dispositional hearings. It may be several weeks or months before the process is completed.

Courts 14.2 Intake Detention and Shelter Care in Delinquency Cases

The committee recommended standard 14.2, with two additions. Juveniles placed in detention longer than 48 hours, through a court order, should be placed in a regional juvenile detention facility with trained counselors, and educational and medical services available to the youth. This is not to encourage the use of detention as a disposition. Detention for longer than 48 hours should only be a last resort; small group shelter care facilities, emergency foster care, group homes, or any other community resource should be fully exhausted before a regional detention center is utilized. Finally, specific criteria for the placement of juveniles in detention should be enumerated in the juvenile justice standards.

Courts 14.3 Processing Certain Delinquency Cases as Adult Criminal Prosecutions

In addition to the recommendations in the standard, the committee felt that once a juvenile is certified as an adult by the court, the youth should be referred to adult court on any subsequent criminal or delinquent acts, irregardless of the degree of seriousness.

Courts 14.4 Adjudicatory Hearing in Delinquency Cases
Courts 14.5 Dispositional Hearing in Delinquency Cases

No further suggestions were made regarding standards 14.4 and 14.5. The comment was made, that a 90 day continuation of sentence does not violate a juvenile's rights, as it is in fact, a continuation of all proceedings.

INTAKE

Corrections 8.1 Role of Police in Intake and Detention

The committee agreed with standard 8.1, but suggested alteration of 8.1(4). It was generally felt that juveniles should be fingerprinted and photographed for the purpose of identification with a crime. However, these prints and photos could not be placed in files or become part of an adult record.

Corrections 8.2 Juvenile Intake Services

The committee felt that juvenile court intake departments should have the authority to screen referrals, only. Personnel should decide whether a youth should be diverted or petitioned to the juvenile court, and no more. The responsibility of the actual court alternative should be left up to the diversion personnel of, for example, a Youth Services Bureau or City-School Coordinator. It was disputed, however, whether juvenile intake services were actually needed in all counties. Perhaps in rural, out-state Minnesota, the juvenile intake population in each county would not warrant these specific services.

Corrections 8.3 Juvenile Detention Center Planning
Corrections 8.4 Juvenile Intake and Detention Personnel Planning

The committee offered no further comments or suggestions on standards 8.3 and 8.4.

DIVERSION

Corrections 3.1 Use of Diversion
Courts 2.1 General Criteria for Diversion
Courts 2.2 Procedure for Diversion Program

The committee was in agreement with standards 3.1, 2.1, and 2.2 in that local juvenile justice agencies should develop and implement, with the cooperation of local social service agencies, a formally organized program of diversion from the Juvenile Justice System for youth. Youth Services Bureaus for metropolitan areas and City-School Coordinators for the rural areas were seen as the two most practical approaches to juvenile diversion. Standard 2.2 was seen as conflicting with standard 3.2 under Youth Services Bureaus. This is expanded upon under the discussion of standard 3.2.

YOUTH SERVICES BUREAUS

Community Crime Prevention 3.1 Purpose, Goals, Objectives
Community Crime Prevention 3.2 Decision Structure
Community Crime Prevention 3.3 Target Group
Community Crime Prevention 3.4 Functions
Community Crime Prevention 3.5 Staffing
Community Crime Prevention 3.6 Evaluation and Effectiveness
Community Crime Prevention 3.7 Funding
Community Crime Prevention 3.8 Legislation

The committee was in agreement that Youth

Services Bureaus could and should provide services to youth in the areas of crisis intervention, diversion from the juvenile justice system, youth advocacy, and development of youth programs aimed at a specific community problem. However, there was conflict over whether the YSB should be organized as an independent, locally operated agency, or if it should, in fact, be a part of the local communities' juvenile justice system. The concern arose out of the apparent discrepancy between standard 3.3 and 2.2. Standard 3.2 states that (4.) "the youth should not be forced to choose between bureau and further justice system processing." In addition, (3) "the juvenile court should not order youth to be referred to the youth services bureau" and (6.) "cases referred by law enforcement or court should be closed by the service." This appears to be in direct conflict with paragraph four of standard 2.2:

> Where the diversion program involves significant deprivation of an offender's liberty, diversion should be permitted only under a court-approved diversion agreement providing for suspension of criminal proceedings on the condition that the defendent participate in the diversion program. Procedures should be developed for the formulation of such agreements and their approval by the court.

In addition, standard 2.2 states:

> For the duration of the agreement, the prosecutor should have the discretionary authority to determine whether the offender is performing his duties adequately under the agreement and, if he determines that the offender is not, to reinstate the prosecution.

In contrast, standard 3.2 states: "The youth services bureaus should not provide justice system agencies with reports on any youth's behavior."

The committee, in general, felt that YSB should work closely with court intake services and be a "legal cloud" of the court in cases referred by the court or law enforcement. A juvenile should be given the opportunity to participate in the YSB diversion program if the youth meets the specific criteria of acceptance as established in cooperation between YSB personnel and local juvenile court and law enforcement authorities. This should be seen as an alternative to juvenile court, whereby the contract between the youth and the YSB once violated, or the juvenile commits a subsequent offense, results in the youth being referred back to juvenile court for prosecution.

In the case of referrals outside the criminal justice system, the YSB should be expected to give systematic feedback to the referring agency, without providing reports of the youth's behavior to juvenile justice system agencies.

Finally, the committee felt that the evaluation of YSB services should be a continuous process—not only in terms of specific changes in individual youths' behavior, but in the response of other agencies and institutions toward local youth problems.

DELINQUENCY PREVENTION COMMUNITY CRIME PREVENTION

Recommendation 5.1 Expansion of Job Opportunities for Youth

Job opportunities for youth of all socio-economic levels in Minnesota are presently limited. The committee agreed with the recommendation, but wished to delete "economically and educationally disadvantaged youth, especially lower income minority group members." Instead, it is suggested that the recommendation read: "The Commission recommends that employers and unions institute or accelerate efforts to expand job or membership opportunities to youth, especially to economically and educationally disadvantaged youth." In addition, emphasis should be not only on the training of management in "special problems young people may bring to their jobs," but also of the young people themselves, through the public school system.

Recommendation 5.2 After-School and Summer Employment

The committee agreed with the recommendation, but suggested the insertion of "and/or social and emotional needs" in line #9: "These programs may be sponsored by governmental or private groups, but should include such elements as recruitment from a variety of community resources, selection on the basis of economic need **and/or social and emotional needs,** and a sufficient reservoir of job possibilities."

Recommendation 6.1 The Home as a Learning Environment

The committee agreed this recommendation should be included. However, they felt that instead of educational authorities developing and proposing the experimental and pilot projects, a task force consisting of total community representation should be given the assignment. They felt that perhaps educational authorities were having trouble knowing exactly what the student needed and the community wanted.

Recommendation 6.2 The School as a Model of Justice

The recommendation received no further comments or suggestions.

Recommendation 6.3 Literacy

The committee agreed with the recommendation, but felt that all Minnesota elementary schools should institute such a literacy guarantee by 1976, rather than 1982. Minnesota has a significant jump on Special Learning Disability Programs and Right to Read, over other states and could realistically expect to comply with the recommendation nearly immediately.

Recommendation 6.5 Reality-Based Curricula
Recommendation 6.6 Supportive Services
Recommendation 7.1 Use of Recreation to Prevent Delinquency

The committee felt recommendation 6.5, 6.6, and 7.1 were excellent. No further suggestions or comments were offered pertaining to these specific recommendations. However, the need for cooperation and coordination among the Minnesota Department of Corrections, Department of Education, and Department of Public Welfare was strongly emphasized. Integration of services must take place if any of the recommendations under Delinquency Prevention are to be instituted in Minnesota. Joint Legislation among these departments is a must, or the recommendations and standards will be meaningless.

Topics discussed in addition to the standards were for the most part suggestions concerning Task Force operations. The committee felt that open hearings were most necessary in order to get the issues to the local people. In addition, specific advisory groups of individuals interested in a particular area of criminal justice planning should be established apart from the Task Force, to provide the necessary information to the Task Force and to clarify the issues at hand. Finally, the group felt that the Task Force should have input from youth themselves, in formulating juvenile justice standards. Both youth who have been or are formally involved with the juvenile justice system, and those who are not, should have representation.

Additional suggestions, included the need for a specific standard limiting the caseload of county probation officers, so that more individualized attention might be given the adjudicated delinquent. Finally, a standard providing for the expansion of voluntary services for juveniles on probation and diversion programs is needed, as part of the community corrections movement.

NATIONAL ADVISORY COMMISSION STANDARDS REVIEWED BY THE *INSTITUTIONAL AND COMMUNITY CORRECTIONS* WORKSHOP GROUPS

STANDARD		TITLE
Setting for Corrections		
Corrections:	2.1	Access to Courts
Corrections:	2.2	Access to Legal Services
Corrections:	2.3	Access to Legal Materials
Corrections:	2.4	Protection Against Personal Abuse
Corrections:	2.5	Healthful Surroundings
Corrections:	2.6	Medical Care
Corrections:	2.7	Searches
Corrections:	2.8	Nondiscriminatory Treatment
Corrections:	2.9	Rehabilitation
Corrections:	2.10	Retention and Restoration of Rights
Corrections:	2.11	Rules of Conduct
Corrections:	2.12	Disciplinary Procedures
Corrections:	2.13	Procedures for Nondisciplinary Changes of Status
Corrections:	2.14	Grievance Procedures
Corrections:	2.15	Free Expression and Association
Corrections:	2.16	Exercise of Religious Beliefs and Practices
Corrections:	2.17	Access to the Public
Corrections:	2.18	Remedies for Violation of an Offender's Rights
Corrections Classification Systems		
Corrections:	6.1	Comprehensive Classification Systems
Corrections:	6.2	Classification for Inmate Management
Community-Based Corrections		
Corrections:	7.1	Development Plan for Community-based Alternatives to Confinement
Corrections:	7.2	Marshaling and Coordinating Community Resources
Corrections:	7.3	Corrections' Responsibility for Citizen Involvement
Corrections:	7.4	Inmate Involvement in Community Programs
Local Adult Institutions		
Corrections:	9.1	Total System Planning
Corrections:	9.2	State Operation and Control of Local Institutions
Corrections:	9.3	State Inspection of Local Facilities
Corrections:	9.4	Adult Intake Services
Corrections:	9.5	Pre-Trial Detention Admission Procedures
Corrections:	9.7	Internal Policies
Corrections:	9.8	Local Correctional Facility Programming
Corrections:	9.9	Jail Release Programs
Corrections:	9.10	Local Facility Evaluation and Planning
Probation		
Corrections:	10.1	Organization of Probation
Corrections:	10.2	Services to Probationers
Corrections:	10.3	Misdemeanant Probation
Corrections:	10.5	Probation in Release on Recognizance Programs

Major Institutions

Corrections: 11.1	Planning New Correctional Institutions
Corrections: 11.2	Modification of Existing Institutions
Corrections: 11.3	Social Environment of Institutions
Corrections: 11.4	Educational and Vocational Training
Corrections: 11.5	Special Offender Types
Corrections: 11.6	Women in Major Institutions
Corrections: 11.7	Religious Programs
Corrections: 11.8	Recreation Program
Corrections: 11.9	Counseling Programs
Corrections: 11.10	Prison Labor and Industries

Parole

Corrections: 12.1	Organization of Paroling Authorities
Corrections: 12.3	The Parole Grant Hearing
Corrections: 12.4	Revocation Hearing
Corrections: 12.5	Organization of Field Services
Corrections: 12.6	Community Services for Parolees
Corrections: 12.7	Measure of Control
Corrections: 12.8	Manpower for Parole

Correctional Information Systems

Criminal Justice System: 6.1	Development of a Corrections Information System
Criminal Justice System: 6.5	Corrections Population and Movement
Corrections: 15.1	State Correctional Information Systems
Corrections: 15.2	Staffing for Correctional Research and Information Systems
Corrections: 15.3	Design Characteristics of a Correctional Information System
Corrections: 15.4	Development of a Correctional Data Base
Corrections: 15.5	Evaluating the Performance of the Correctional System

Workshop Number: 16
Workshop Title: Institutional and Community Corrections
Workshop Leader: Dale Parent

ACCESS TO COURTS AND LEGAL SERVICES

Corrections 2.1
The major problem participants saw relates to items 2 and 3, paragraph 1: challenging illegal conditions of confinement and pursuing remedies for civil legal problems. In most cases, the problem is more acute with local and regional correctional facilities than with state facilities. The poor physical condition of many local jails leaves them open to potential suits challenging the condition of confinement. The group felt that the state should set standards for access to courts for those confined to local jails; each county or region coming under the Community Corrections Subsidy Act ought to establish a Task Force for planning and implementing changes needed to effect compliance. The group recommended implementation of the substance of the standard.

Corrections 2.2
LAMP (Legal Aid to Minnesota Prisoners) is principally available to inmates in state institutions and large local jails. No such services are available in smaller local jails. Again, the group felt that the substance of the standard should be implemented with the above provision for state set standards for local facilities.

Corrections 2.3
The participants felt that the cost of keeping a full law library up to date plus replacement of lost and stolen books could keep at least one lawyer per 100 man corrections institution employed on a full time basis. Generally it was felt that it would be better to provide the lawyer rather than the law books. The group did not recommend implementation of this standard.

PROTECTION AGAINST ABUSE AND HEALTHFUL SURROUNDINGS

Corrections 2.4
It was generally believed that protection of inmates from abuse by staff or other inmates was especially a problem in state prisons. The group agreed that the standard should be implemented but suggested that it would be necessary to know what success has been had with advanced technological devices and classification procedures. A major problem with implementation would be the training of personnel for local facilities.

Corrections 2.5
The group believed that this was particularly problematic in substandard local jails and in some cases could be solved only by building new jails. The group recommended adoption of this standard.

Corrections 2.6
Workshop participants agreed that provision of medical care was a serious problem, both at the state and local levels. The group was concerned about the definition of "social-well being". Participants felt that the standard should be expanded to include a provision prohibiting state hospitals from refusing medical or mental health treatment to correctional clients. Again, the group was concerned about the ability to implement this standard in small local jails.

SEARCHES

Corrections 2.7
Current methods, especially in state institutions, have been ineffective in controlling contraband and are the source of many institutional grievances. Also, searching visitors (especially random strip searches of female visitors, etc.) tend to irritate the inmate population.

REHABILITATION

Corrections 2.9
Two basic assumptions in this standard were not challenged by the group: "right to rehabilitation" and "the rehabilitative purpose ought to be implicit in every sentence". The group leader noted, however, that much current criminological research and theory suggests that these assumptions ought to be challenged. The group felt that information about the effectiveness of various rehabilitative methods was needed in an effort to get **good** correctional programs as opposed to just a variety of programs. It was felt that judges need clearer delineation of programs available at different levels or in different institutions. Information and research are also needed relative to the issue of coercive treatment: if the element of coercion is removed no one will participate—is this true? The workshop also commented about the preventive role of the schools in teaching children to read and write and about the need for additional specialized programs in Minnesota prisons, particularily for sex offenders in Stillwater.

DISCIPLINE

Corrections 2.12

Disciplinary procedures as promulgated (by judicial degree) and implemented (by the Department from the "top down") have actually undermined the rule of law in the institutions and have caused greater inmate "control" of the institution.

a. Disciplinary procedures are not consistently applied or handled. Current quasi-judicial hearings prompt officers to "write-up" the passive inmate, but not report the illegal behavior of "militants". Persons coming up for parole are seldom disciplined or charges are administratively dropped.
b. Correctional officers do not know what requirements are.
c. Line correctional officers were not involved in the development of procedures to implement the disciplinary hearing procedure.
d. Inmates have a right to counsel in disciplinary hearings — but staff does not. If there are to be judicial-like hearings they should be based on an adversary model with counsel on both sides.
e. When officers fail to protect inmates, you get inmate vigilante groups. The first duty of the correctional officer is to provide protection to the inmates. The number of disciplinary petitions issued by staff has dropped since the new procedure was established.

Workshop participants recommended revision of the standard to provide for full judicial hearings for disciplinary cases. There was some feeling in the group to drop this standard altogether and revert to old disciplinary procedures; however, the new procedure is required by the federal district court and the workshop felt that a revised standard could alleviate the currently deteriorating situation.

Specifically, the group recommended:

—right to counsel for staff and inmates;
—hearing boards outside of the institution (much like the parole board);
—development of disciplinary procedures in which administration and guards meaningfully participate.

FREE EXPRESSION AND ASSOCIATION

Corrections 2.15

The consensus of the group was that the standard was too idealistic and was not administratively feasible. Limitations on staff, space and dollars make it impossible to implement the standard as worded. It is impossible to run an industrial or educational program unless inmate participation in "outside" groups is limited.

STATE CONTROL OF CORRECTIONAL FACILITIES

Corrections 9.2

Participants did not feel that this standard was applicable to Minnesota in light of the fact that the Community Corrections and Regional Jail Acts have moved the state away from centralized correctional authority.

Corrections 9.3

The group did recommend, however, more rigorous state standard setting and inspection. There will be problems in small jails being able to provide the range of services specified in the standard and a more pragmatic approach may be needed.

PROBATION SERVICES

Corrections 10.1, 10.2 and 10.3

Sentiment was pro and con on the issue of state control of probation services. However, all agreed that more probation officers, more clerical assistance and more mileage and higher compensation were needed for field services. There was strong support for strengthening misdemeanant probation services which are generally lacking outside of the three metropolitan counties. (A major fact in the discussion of these issues was that institutional personnel, who had dominated earlier in the discussion and repeatedly called for more dollars for the operation of institutions, became at the end strong advocates for increased probation services. They became aware that institutions were not the only part of the system caught in a resource bind.)

Workshop Number: 17
Workshop Title Institutional and Community Corrections
Workshop Leader: Jay G. Lindgren

GENERAL COMMENTS

One of the facts most apparent in the workshop was the changing mood. There was a vacillation by the members of the workshop during the first day between powerlessness (e.g., "you can't change these kinds of things") and "somebody else should make these decisions and tell us what to do." As we progressed, enthusiasm picked up.

The attendance at the sessions was between 17 and 20 persons. The participants were almost totally corrections personnel, although there was a wide range of views from within corrections. There were several people that worked within the prison and reformatory, several probation officers, some people working within community-based residential treatment centers and several students from St. Benedict's College.

Two strong suggestions came from the group as far as future conferences. One was that the reading material be sent out in advance of the conference. The second was that more customers/clients from the system be involved since much of what was discussed seemed to deal with the way people were going to have to live their lives in correctional settings.

STANDARDS CONSIDERED

Standard 2.17 — Access to the Public

The standard as a whole was agreed to — the only real debate concerned the privacy of family relations. The issues involved were the cost of structuring such a setting, the problem of security and the morality question (i.e., wives only, girlfriends only, if the individual is unmarried, the enforcement of family planning practices, etc.). It was felt, however, that all of these issues were outweighed by the positive benefit of allowing individuals normal outlets for affection and sexual interaction, and the group came out in favor of the standard as written.

Standard 11.2 — Modification of Existing Institutions

The group was generally in favor of closing major institutions, which seemed to be the key issue, but long-range goals, it was felt, can only come about when more alternatives have been developed. There was debate on this and a strong minority opinion stated that alternatives will not be built as long as prisons exist. Also, there was general consensus that closed institutions were necessary but that these should be regional and as small in terms of number of clients as is economically feasible.

It became apparent during the discussion that the need for communities to be involved in developing local solutions to correctional problems must be balanced with the need for the services which can be provided in larger institutions.

Standard 7.4 — Inmate Involvement in Community Programs

There was strong agreement with the move towards behavioral rather than attitudinal emphasis for required change. It was felt that point #5 under this standard was an extremely positive point that needs to be emphasized in all correctional programs. The emphasis on negotiated contracts forcing both the client and service agency to identify very quickly what is required, both in terms of control and social service, was emphasized. It was felt that this standard was critical but also very difficult to enforce.

Standard 7.3 — Corrections Responsibility for Citizen Involvement

Again, this standard was strongly endorsed. It was felt, however, that seeing volunteers as a panacea was a problem. Many volunteers and clients could have a bad experience. Volunteers must be carefully screened and evaluated and treated as true professionals; i.e., there must be strong accountability and strong supervision of volunteers.

Standard 2.12 — Disciplinary Procedures

The group suggests adding to this standard that every inmate has a right to legal counsel. Study should be given immediately to extending this standard to Shakopee and the juvenile institutions.

Standard 10.1 — Organization of Probation

The group came out strongly in favor of local administration. It was felt, however, that the issue of county commissioners as both legislators and administrators of government needed further study. There was strong endorsement of the idea that correctional services supervision should be removed from the judicial branch. It was felt that the judicial branch has a strong responsibility for seeing that all institutions are fairly administered and that objectivity in the case of correctional services was hurt by their administering the program themselves.

Standard 2.9 — Rehabilitation

There was considerable discussion over the right to refuse treatment. A final decision was not made; this is an issue that needs to be closely studied.

A standard would have to be set about the minimum rights that every individual, regardless of his attitude towards rehabilitation, has. A clearer definition of coerced therapy is, and when, if ever, it can be allowed is also needed. The definition for coercion would have to address itself to the issue of threats such as "you'll do more time".

Standards 6.1 and 6.2 — Comprehensive Classification System and Classification for Inmate Management

These were seen as extremely important standards which relate to the client involvement in the community standard and the standard for rehabilitation. One additional recommendation made by the group was that outside community people, both professionals and lay people, should be involved in classification teams within the institution. Also, a recommendation was made regarding # 6.2 that a unit be designed within major institutions to segregate incoming individuals with special orientation needs from the general inmate population.

Standard 11.6 — Women in Institutions

The item was generally endorsed, but it was felt that more women are needed in staff positions in corrections, both in female and male institutions.

Standard 9.4 — Adult Intake Services

This standard, although it seems to be operating in the metropolitan areas, needs to be developed for rural situations, particularly in rural jails. One obvious issue is cost; however, it is felt that if a jail cannot maintain this standard, serious questions should be raised regarding whether regional jails are needed.

Standard 7.2 — Marshaling and Coordinating Community Resources

The concept of the agent as a broker of services rather than a direct service person was strongly endorsed.

Standard 7.1 — Developmental Plan for Community-Based Alternatives to Confinement

There was no controversy on this issue. The group was in total agreement that this is a standard that needs to be fully developed and implemented in Minnesota. There is a strong need for better communication with the courts about what services are available or lacking in institutions. Regional development of re-entry facilities should be given high priority.

Workshop Number: 18
Workshop Title: Institutional and Community Corrections
Workshop Leader: Joe Hudson

Standard 2.4: Protection Against Personal Abuse

(2) "Develop institution classification procedures that will identify violence-prone offenders and where such offenders are identified, insure greater supervision."

The group had a great deal of difficulty with this statement, particularly in relation to the phrase "identify violence-prone offenders." The question was raised as to the criteria to be used to "identify violence-prone offenders." Also noted was the concern that this "identification" might not involve anything more than personal opinion. In addition, the point was raised that to proceed in the way that this statement suggests is to deal with people **not** on the basis of what they do, but on the basis of what **we think** they **might** do.

(3) "Solitary or segregated confinement as a disciplinary or punitive measure except as a last resort and then not extending beyond 10 days duration."

The group in the workshop had a great deal of difficulty with this particular section of the standard. The group strongly reacted to the specification of the ten days maximum duration for solitary or segregated confinement. The group felt that a specified maximum as indicated in this section should not be universally held as standard. In particular, the point was raised that in a case where a client has to be restrained from hurting him or herself more than the 10 day period may be warranted. The group felt that the general intent of this standard was acceptable if the 10 day maximum period could be omitted.

(6) "Infliction of mental distress, degradation, or humiliation."

With regard to this sentence, the group felt that the phrase "mental distress" was too vague and should be omitted from the statement.

Standard 2.5: Healthful Surroundings

(1) "His own room or cell of adequate size."

The group felt very strongly that this was an unreasonable standard due to the economics of maintaining separate rooms or cells for each offender. Following this standard, dormitories would not be appropriate. Furthermore, many community correctional programs (e.g., PORT) would not only have economic difficulty in maintaining separate rooms for each resident but would also have difficulty in structuring the program in accordance with the use of volunteers living with residents.

Standard 2.6: Medical Care

The Workshops felt that this standard was quite adequate if the phrase "dental care" was added.

Standard 2.9: Rehabilitation

The workshop members had a great deal of difficulty with this standard, in terms of the fact that "rehabilitation" is never defined. What is a "rehabilitative purpose?"

The workshop members also had difficulty with the following statement: "A correctional authority should have the affirmative and enforceable duty to provide programs appropriate to the purpose for which a person was sentenced." The obvious inference of this is that the "purpose" for which a person was sentenced was presumably one of "rehabilitation". The point was made, however, that in many cases the "purpose" for which a person is sentenced is not for "rehabilitation" but instead, for "punishment," to deter others, to simply put the person away for awhile, and so on.

The workshop members had a great deal of difficulty with point six of this standard which reads as follows: "No offender should be required or coerced to participate in programs of rehabilitation or treatment nor should the failure or refusal to participate be used to penalize an inmate in any way in the institution." This standard suggests elimination of the indeterminate sentence or of any attempt at trying to provide structured incentives to offenders for "rehabilitation." Furthermore, the task force members were very divided over the question of whether the society has a responsibility to provide incentives in an attempt to motivate the offender to change behavior and attitudes. Most generally, this standard raises the problem of what constitutes "coercive treatment."

Standard 2.12: Disciplinary Procedures

The workshop members were generally in agreement with this standard; however, they had a number of specific recommendations for change. First, there was unanimous agreement on the suggestion that staff as well as inmates should have legal counsel available to them at any disciplinary hearing. (Note: point number 5 of this standard.) The workshop members also felt quite strongly that any decision by a hearing officer or board on a disciplinary matter concerning an inmate should be able to be appealed outside of the institution within the larger Department of Corrections. Finally, the workshop members were

split over the question of whether the inmate body should have the opportunity to elect representatives to the hearing board. On the one hand, some members of the workshop noted that such representation should be available to the inmates. On the other hand, some members of the workshop felt that to place an inmate on such a board would be to put him in a vulnerable position relative to the larger inmate group.

Standard 2.16: Exercise of Religious Beliefs and Practices

There was a great deal of discussion about the following sentence: "The correctional agency should not proselytize persons under its supervision or permit others to do so without the consent of the person concerned." In particular, the workshop members discussed the fact that the Department of Corrections in Minnesota presently has clergyman as paid staff on an institutional payroll. Whether or not this constitutes "proselytizing" was discussed. The clear consensus of the group was that the state should either put all clergymen on the payroll or put none on the payroll. The present situation of retaining only particular clergy as paid staff is inappropriate.

Standard 2.17: Access to the Public

2. "Correctional authorities should facilitate and promote visitation of offenders by the following acts":

a. Providing transportation for visitors from terminal points of public transportation."

Clear consensus was expressed that this was an inappropriate standard. The workshop members felt that correctional authorities should not be held responsible for providing transportation for visitors. This was seen as more of a responsibility of the welfare department than the correctional department.

Standard 9.2: State operation and control of local institutions

The workshop members were clearly against the thrust of this standard. The members felt very strongly that the operation and control of local institutions should be placed at the local level and not at the state level. Similarly, the workshop members were strongly against **Standard 10.1: Organization of Probation.** Again, local control of the delivery of probation services was strongly endorsed.

Standard 11.1: Planning new correctional institutions

The workshop members felt that the phrase "major juvenile institutions" was too vague and should be defined more clearly.

They also felt that this standard was unrealistic and should be omitted.

GENERAL COMMENTS

Confusion was raised in the minds of the workshop participants about the ambivalence of the standards relative to the question of coercive treatment programming. On the one-hand, the standards are clearly against the coercion of treatment (standard 2.9) while, on the other hand, the idea of coercive treatment is very evident (standard 7.4, number 6).

NATIONAL ADVISORY COMMISSION STANDARDS REVIEWED BY THE *MANPOWER DEVELOPMENT AND TRAINING* WORKSHOP GROUPS

STANDARD		TITLE
General		
Criminal Justice System:	4.3	Manpower Resource Allocation and Control
Criminal Justice System:	12.1	Development, Implementation, and Evaluation of Criminal Justice Education and Training Programs
Criminal Justice System:	12.2	Criminal Justice System Curriculum
Law Enforcement		
Police:	2.1	Development of Goals and Objectives
Police:	2.2	Establishment of Policy
Police:	2.3	Inspections
Police:	7.6	Training for Unusual Occurrences
Police:	8.2	Enhancing the Role of the Patrol Officer
Police:	9.1	Specialized Assignment
Police:	9.2	Selection for Specialized Assignment
Police:	9.4	State Specialists
Police:	10.1	Assignment of Civilian Police Personnel
Police:	10.2	Selection and Assignment of Reserve Police Officers
Police:	11.3	Management Consultation and Technical Assistance
Police:	13.1	General Police Recruiting
Police:	13.2	College Recruiting
Police:	13.3	Minority Recruiting
Police:	13.4	Minimum Standards for Selection
Police:	13.5	The Selection Process
Police:	13.6	Employment of Women
Police:	14.1	Police Salaries
Police:	14.2	Position Classification Plan
Police:	15.1	Educational Standards for the Selection of Police Personnel
Police:	15.2	Educational Incentives for Police Officers
Police:	15.3	College Credit for the Completion of Police Training Programs
Police Recommendation:	15.1	Identification of Police Educational Needs
Police:	16.1	State Legislation and Fiscal Assistance of Police Training
Police:	16.2	Program Development
Police:	16.3	Preparatory Training
Police:	16.4	Interpersonal Communications Training
Police:	16.5	Inservice Training
Police:	16.6	Instruction Quality Control
Police:	16.7	Police Training Academies and Criminal Justice Training Center
Police:	17.1	Personnel Development for Promotion and Advancement
Police:	17.2	Formal Personnel Development Activities
Police:	17.3	Personnel Evaluation for Promotion and Advancement
Police:	19.1	Foundation for Internal Discipline

Police:	19.6	Positive Prevention of Police Misconduct
Police:	20.1	Entry-Level Physical and Psychological Examinations
Police:	20.2	Continuing Physical Fitness
Police:	22.3	Fleet Safety

Correctional Programs Manpower

Corrections:	9.6	Staffing Patterns
Corrections:	10.4	Probation Manpower
Corrections:	12.2	Parole Authority Personnel
Corrections:	13.1	Professional Correctional Management
Corrections:	13.3	Employee-Management Relations
Corrections:	13.4	Work Stoppages and Job Actions
Corrections:	14.1	Recruitment of Correctional Staff
Corrections:	14.2	Recruitment from Minority Groups
Corrections:	14.3	Employment of Women
Corrections:	14.4	Employment of Ex-Offenders
Corrections:	14.5	Employment of Volunteers
Corrections:	14.6	Personnel Practices for Retaining Staff
Corrections:	14.7	Participatory Management
Corrections:	14.8	Redistribution of Correctional Manpower Resources to Community Based Programs
Corrections:	14.9	Co-ordinated State Plan for Criminal Justice Education
Corrections:	14.10	Intern and Work-Study Programs
Corrections:	14.11	Staff Development

Judicial Manpower

Corrections:	5.10	Judicial Visits to Institutions
Corrections:	5.12	Sentencing Institutes
Courts:	7.1	Judicial Selection
Courts:	7.2	Judicial Tenure
Courts:	7.3	Judicial Compensation
Courts:	7.4	Judicial Discipline and Removal
Courts:	7.5	Judicial Education
Courts:	10.4	Representativeness of Court Personnel
Community Crime Prevention:	14.1	Maintaining Integrity in the Local Prosecutor's Office
Courts Recommendation:	11.1	Instruction in Automated Legal Research Systems
Courts:	12.1	Professional Standards for the Chief Prosecuting Officer
Courts:	12.2	Professional Standards for Assistant Prosecutors
Courts:	12.3	Supporting Staff and Facilities
Courts:	12.4	Statewide Organization of Prosecutors
Courts:	12.5	Education of Professional Personnel
Courts:	12.7	Development and Review of Office Policies
Courts:	13.7	Defender to be Full-Time and Adequately Compensated
Courts:	13.8	Selection of Public Defender
Courts:	13.10	Selection and Retention of Attorney Staff Members
Courts:	13.11	Salaries for Public Defenders
Courts:	13.14	Supporting Personnel and Facilities
Courts:	13.15	Providing Assigned Counsel
Courts:	13.16	Training and Education of Defenders

Workshop Number: 19
Topic: Manpower Training and Development
Group Leader: Judge John Weyrens

The workshop participants in our Manpower Training and Development group were primarily interested in discussing those standards and goals dealing with law enforcement. The few standards we had dealing with the courts and with corrections appeared to be non-controversial as far as this group was concerned. They did read through those standards, but did not feel that any of them were objectionable.

Police 13.6 Employment of Women

This was the first standard discussed by the group with general agreement that it was a good standard, that it was fairly stated and should be recommended for approval. There was some feeling that there might be some difficulty in implementing this standard.

Police 13.3 Minority Recruiting

This particular standard dealing with minority recruiting was the subject of much discussion with a feeling in the group that any affirmative action should not result in a lowering of set standards. The group felt that the standards as indicated in the minority recruiting recommendations were good as long as they remain absolute.

Police 14.1 Police Salaries

This standard on police salaries had the approval of the group and they recommend that it be adopted.

After discussing the standards noted above, the group had an in depth discussion of community involvement in the criminal justice system at all levels. This started with a comment from a police officer who felt that the particular judge in his jurisdiction was not uniform in his sentencing, that he was very rough on influential people and very easy on others. The group then discussed the question of communication between law enforcement, the courts and corrections, and the fact that law enforcement must have a means of communicating their thoughts and ideas to the other parts of the system. Apparently there was some feeling that the courts are not interested in what law enforcement has to say or about any ideas law enforcement might have. This particular discussion, I think, was very valuable to the group because it zeroed in on an area that everyone thought was important — are we talking to each other about our common problems?

Police 14.2 Position Classification Plan

This was the next standard discussed by the group. There was a feeling that in paragraph 4 of this standard, the following words should be stricken: "Any existing civil service procedure should apply only to retention in, or promotion to, broad position classifications." After further discussions, mainly about veteran's preference and further clarification, the group decided not to strike this language. There were some very definite ideas expressed by the group with regard to veteran's preference, both pro and con.

Police 15.1 Educational Standards for Selection of Police Officers
Police 15.2 Educational Incentives for Police Officers
Police 15.3 College Credit for Completion of Police Training Programs

These standards were discussed and recommended for approval with the following recommendations for Standard 15.1.

1. It was recommended that this be changed to require two years of education, that item two be removed and that items three and four be re-numbered two and three and that new item three require eighteen quarter credits in the social science field.

Police 13.4 Minimum Standards for Selection

This standard was discussed and recommended for adoption.

Corrections 9.6 Staffing Patterns

The group discussed this standard and felt that item two should be changed to require salaries that attract and retain qualified personnel.

The group again returned to the discussion of community involvement in the criminal justice system and there seemed to be a feeling that whenever you discuss advancements within the system that merit must be a part of any program even though it may be difficult to implement and to measure. There was much discussion of the question of involvement by law enforcement in other community activities outside of their official position as law enforcement personnel and it was suggested that when this occurred it should be recognized.

Workshop Number: 20
Topic: Manpower Training and Development
Group Leader: Sandy Larson

In order to provide a focus for discussion in this workshop, NAC standards relating to manpower training and development in the areas of law enforcement and corrections were grouped according to the following topics:

a. Job qualifications and selection standards
b. Recruitment and affirmative action
c. College education for criminal justice personnel
d. Basic training, field training, inservice training
e. Career development, career paths
f. Accountability of personnel
g. Agency effectiveness
h. Supportive services/miscellaneous

The issues discussed in Pol Standard 13.4, **Minimum standards for Selection,** were considered to be important and the group began its discussion with this standard. One participant stated that a discussion of desirable minimum standards was "useless" until the question of veterans preference was resolved and advocated the abolition of any form of preference in the selection process. According to this argument if law enforcement is ever to "professionalize" it will have to get rid of non-job-related criteria like veterans preference that exclude or tend to discourage otherwise qualified candidates.

There seemed to be wide support from the whole group for this argument and all agreed that absolute veterans preference for entry level positions should be abolished. One member of the group pointed out that Pol Standard 17.3, **Personnel Evaluation for Promotion and Development,** dealt with the issue of veterans preference in terms of recommending that bonus points for promotion or position considerations not be given for military service, seniority or other non-job-related criteria. The majority of the group endorsed this standard and emphasized the use of merit considerations for both selection and promotion.

Attention then moved back to the specific requirements of Pol Standard 13.4. Age requirements were considered first and all law enforcement persons present agreed that they did not want age limits lowered below 21, although they recognized that there might be difficulty in justifying this position since the age of majority is now 18. Although it was recognized that it is possible for some people to be very mature at 18, it was felt that in general one could expect less trouble from older officers and concern was expressed regarding the ability of police departments or the Peace Officers Training Board to validate the need for minimum age requirements over 18. It was mentioned that preliminary reports for a study done over a period of ten years for the New York Police Department show that older age at entry does seem to be correlated at a statistically significant level with certain performance factors such as fewer citizens complaints. The group recognized, however, that there exists uncertainty as to what level of statistical significance would be seen as demonstrating the "validity" of particular age requirements.

The group then moved to a discussion of the issue of physical requirements. It was suggested that perhaps the best job-related physical fitness, agility or strength tests are those that simulate actual job setings or tasks. One member of the group objected to this suggestion by pointing out that questions can be raised about the reasonableness of some of the simulated situations currently being used for testing purposes. Testing for general stamina or conditioning was mentioned as an alternative to "situational" testing. Mention was made of a system, described as a "total compensation" method for screening police applicants, which is used by the New York City Police Department. Under this system, every applicant is scored on a number of criteria or standards for employment such as health, emotional stability, educational background, experience, strength, etc. These criteria are weighted so that each candidate obtains an overall or average score across all measures. Only this total score or rank has to be above some minimum value and minimum standards or screening scores thus can be set while flexibility is maintained. Certain deficiencies in one area do not automatically eliminate someone who has compensatory skills or knowledge in another area. The group seemed very interested in this approach, which is mentioned in Pol Standard 13.4, and thought that further investigation of the New York system should be of high priority.

Further debate occurred in considering Pol Standard 15.1 which addresses mandated college education for law enforcement officers. It was questioned why law enforcement would be moving towards requiring college degrees as a minimum standard when the Department of Corrections has had to back down from such a standard for probation and parole officers in order to meet EEO requirements and to recruit more minority persons. The group leader pointed

out that the focus of the issue was requirements for sworn peace officers and that advocacy for such requirements implies nothing about the need or requirements for civilian and paraprofessional personnel. A number of those present felt that college education requirements are necessary to obtain truly "professional" police personnel, but also noted that implementation of such requirements would be difficult in Minnesota where at present 90% of all officers do not have a college education. There was discussion of whether or not educational standards were as important for officers serving small towns or working in rural settings as for officers in an urban setting. This was countered with the idea that rural officers or those in small departments have to have broadly based skills and need to use a lot of discretion. They were seen as in need of as much education and training as the urban officer. The question of whether smaller or more rural departments would be able to afford the cost of hiring personel with college educations was examined. Some of those present from outstate Minnesota expressed doubts that they could attract and retain college graduates even if they could afford to hire them in the first place. Others felt that a lot of young people really would prefer to live in small towns and that escaping the urban environment would be, in some respects, compensation for somewhat lower salaries.

The more general problem of the relationship between a liberal arts education and criminal justice training also was discussed. It was mentioned that a proposal is being developed which would allow all persons who have completed a certain number of hours of criminal justice studies to enter the Bureau of Criminal Apprehension's basic training course if they could meet certain minimum mandated standards. The purpose of this screening was explained as being two-fold. First, this would insure that student and state time was not wasted, nor resources used to train candidates for law enforcement who stood little chance of passing screening procedures. Second, this procedure would enable the MPOBT to establish an authorized list or a pool of candidates eligible for employment from which departments around the state could draw. Benefits would accrue through the greater ease in matching departments and candidates at less expense to the departments. Unfortunately, this legislation was not available for the group to study so important details could not be scrutinized.

Questions were raised as to whether or not such an eligibility advantage given two year program graduates would not give undue support and encouragement to the two year programs, at the expense of four year students or two year students with a liberal arts background. These students would be attempting to sell themselves to departments without the benefit of being BCA trained. There would be economic advantages for the department to hire the fully trained candidate.

In this context it was pointed out that field placement is required for all students in the Criminal Justice Program at the University of Minnesota, Duluth. This field placement not only enhances the students' experience and education but also gives the local departments a chance to assess the personal qualifications of the student in terms of future employment considerations, which might be an advantage for the four year student. The group in general endorsed the concept of letting college graduates, or at least those from the two year program, enter BCA training, and liked the idea of an eligibility list from which departments could draw.

During some phase of this discussion, the suggestion was made that all pre-employment requirements should be met by educational institutions. Professional training would be obtained "on the job" in local departments or regional centers. However, the group did not quite come to grips with the issue of how to get professional methods courses or training if one is to build on a model in which a college degree is the entry level requirement.

It finally was moved that Standard 15.1, **Educational Standards for the Selection of Police Personnel,** be recommended for adoption with the modification that the two year educational requirement become effective in 1975, doing away with the suggested stage in which only a one-year requirement would be in force.

Throughout the discussion of minimum standards for educational requirements it was emphasized that there should be no double standards for sworn peace officers in Minnesota. Certification and minimum standards should apply to all officers, including those serving municipalities of under 1,000.

The question of whether or not sheriffs should be subject to the same standards also was raised. At present, sheriffs are not required to be certified peace officers when they run for election, but are required to obtain certified training within the first year of their term.

In considering Pol standards 16.1, **State Legislation and Fiscal Assistance for Police Training,** 16.2, **Program Development and** 16.3, **Preparatory Training,** the group agreed that with some exceptions for officers in towns of under 1,000, basic training requirements proposed by the standards are currently being met in Minnesota. Some concern for the effectiveness or qualitative aspects of Minnesota's basic training program was expressed, however, and

the problem of costs was brought up. The state reimburses cities $850 per officer whereas the total cost for each officer is approximately $2,000. It was felt that since agencies must bear such a large share of the cost they should be assured that officers completing training have indeed met certain standards. It also was suggested that all officers should be required to take a certain amount of human relations training similar to that now required by the State Board of Education for certified teachers. It was acknowledged that law enforcement officers and corrections workers needed such training, based on the assumption that it would tend to add depth to their perceptions of various groups and types of people in our society.

The problem of promotional criteria arose during a discussion of Pol Standard 17.1, **Personnel Development for Promotion and Advancement.** Although some participants advocated promotional and pay increase critera based on merit education and job-related training, it was felt that local police federations often are dominated by officers who are apt to prefer more traditional concepts and methods of personnel deployment and development.

The new Wage Negotiations Act strengthens the hand of such bargaining groups and places formidable restrictions on the ability of administrators to develop human resources in their agencies in the most effective and efficient manner. No solutions were suggested by anyone in the group, although the concern was acknowledged. Civil service was also perceived as being a barrier to developing better systems of personnel management.

The topic of position classification and its relationship to career development and enhancement was discussed next. Standard 8.2, **Enhancing the Role of the Patrol Officer,** recommends "multiple pay grades within the basic rank, opportunity for advancement within the basic rank to permit equality between patrol officers and investigators and parity in top salary step between patrol officers and nonsupervisory officers assigned to other operational functions." Standard 14.2, **Position classification,** advocates that "every police agency with more than three levels of classification below the chief executive should consider the adoption of three broad occupational classifications to permit mobility within each classification and salary advancement without promotion," and also suggests advancement based on merit. These subjects were discussed, and the group felt the language of the standards should be modified. There was general agreement that law enforcement should move away from the "military model" of organization, that three broad classifications of rank should be adequate and that more pay steps were needed to enhance the role of the patrol officer.

Workshop Number: 21
Workshop Title: Manpower Training and Development
Workshop Leader: Sister Cathan Culhane

Attendance in Workshop #21 was approximately 12 persons. Almost all who participated lived in or near the Twin City area and identified with Metro Police. The majority interests skewed the discussion to the law enforcement goals and standards and almost complete lack of attention to those of the other two subsystems.

In the initial session the majority of the members seemed to question the value of discussion since they believed policy-markers regularly ignore grass roots opinion. They cooperated good naturedly but many times their focus was more on criticism of present situations and practices than on choice of goals and standards for a better future. The majority were not ready for the State to set minimum standards for all law enforcement officers fearing that what might bring improvement in small out-state departments might deprive them of the higher standards they have already achieved through bargaining. This was particularly true for 14.1, **Police Salaries.** They rejected this in its entirety. Police participants wanted no standard on minimum salary; they recommended instead that small departments unite to form bargaining units.

The standards we discussed included those from 13.1 to 15.3. In general this group seemed to reject the basic idea of State standards for all law enforcement officers. They seem to think the differences in department size, type of work to be done and ability of the local community to provide financial support make it difficult to have minimum standards for all and that if such would be drawn up they could not be held as mandatory. Although I did not ask the participants, I suspect that only a few could have attended Regional Workshops because they seemed ill prepared for our task. To participate in the development of Minnesota's Goals and Standards through input to be given Task Force members seemed a concept they never really grasped.

The following Standards were discussed by this group.

Police 13.1 General Police Recruiting

Recommend as written except for part 5. Some minor requirements might be completed after initial application but not the attainment of a driver's license. This is not minor and could take a long time for some persons to obtain.

Police 13.2 College Recruiting

Accept all except the entire part 2. Do not approve of any student-worker program and want this part eliminated. Objection was to having young, unprepared persons in uniform since their lack of readiness and capability might hurt the department and reduce citizen confidence in law enforcement in the area.

Police 13.3 Minority Recruiting

Police 13.4 State Mandated Minimum Standards for the Selection of Police Officers

Recommend as is but give more time for the enactment of legislation. 1976 better time limit than 1975.

Police 13.5 The Selection Process

This standard seemed of most interest to this group. It was the first chosen for discussion and was alluded to several times after we had moved to other Standards. The group stressed the need for a **written** exam and for a test of **job related abilities** rather than a test of general information. Comments on specific parts:

4b—Polygraph examination is an important technique as an additional tool when examining applicants. This should be used and the group hopes it will be reinstated for use in Minnesota.

5—"Applicants are promptly notified of the results of each major step in the selection process." This part alone should make up part 5. To limit the agency to 8 weeks for determination of employability is too restrictive. There was also objection to a "cost effective" selection process.

6—Eliminate this part. Objection is to employing qualified **applicants.** There would be no objection to temporary employment of qualified, eligible **candidates,** but it would be best to hire them on permanent basis.

Recommendation is for acceptance of this standard with change indicated above for part 5 and total exclusion of part 6.

Additional comment centered on the Veterans Preference. It was hoped this could be eliminated since it seems to discourage application by some well qualified candidates.

Police 13.6 Employment of Women

Accept as given with one change suggested for part 4: Eliminate ". . . such as a female jail facility within a multi-unit organization," and add a Part 5 to insure privacy of male prisoners — such as recommend that males' privacy be protected

from intrusion by female officers in the same way as females are protected from intrusion by male officers.

Police 14.1 Police Salaries

Eliminate entirely as noted above.

Police 14.2 Police Classification Plan

Accepted but not much time for consideration or discussion.

Police 15.1 Educational Standards for the Selection of Police Personnel

Recommend only introductory paragraph and part 1. Eliminate parts 2, 3, and 4 entirely. This group was not willing to provide for college education as a prerequisite for application for employment but wants to encourage continuance college for officers when they are employed. There should be a linkage with Standard 15.2, Educational Incentives for Police Officers, as they view education of Officers.

To them college education before employment is not as valuable since such graduates seem naive, not practical enough and in need of much more orientation to the realities of police work. They urge one year of college as employment prerequisite with incentives to continue college when employed.

Police 15.2 Educational Incentives for Police Officers

Recommend in its entirety. See above.

Police 15.3 College Credit for the Completion of Police Training Programs

Recommend as given with one change: Instead of the introductory words "Every police agency . . ." substitute **The State** as the one to pursue affiliation of police training with college credit programs.

The group hesitated to make recommendations for candidates for the other two sub-systems but believed Standard 13.5 could be used for corrections as well as law enforcement personnel.

The only standard for corrections which was considered by this group was 9,6, Staffing Patterns. This was accepted with the exception of Part 2. Objection to this part centered again on the inappropriateness of State setting standards rather than the locality which was employing the personnel. It was agreed that fair salaries should be set for the work done and the competency and experience of the worker but that comparisons with others should not be made. This group objected to what seemed to be an equating in the standard of police and firemen.

NATIONAL ADVISORY COMMISSION STANDARDS REVIEWED BY THE *PLANNING, RESEARCH AND INFORMATION* WORKSHOP GROUPS

STANDARD	TITLE
Criminal Justice System Planning	
Criminal Justice System: 1.1	Crime Oriented Planning
Criminal Justice System: 1.2	Improving Linkage Between Planning and Budgeting
Criminal Justice System: 1.3	Setting Minimum Statewide Standards for Recipients of Grants and Subgrants
Criminal Justice System: 1.4	Developing Planning Capabilities
Criminal Justice System: 1.5	Participation in the Planning Process
Criminal Justice System Recommendation: 1.1	Federal Criminal Justice Planning
Criminal Justice Information Systems	
Criminal Justice System: 4.2	Crime Analysis Capability
Criminal Justice System: 4.5	UCR Participation
Criminal Justice System: 4.6	Expanded Crime Data
Criminal Justice System: 4.7	Quality Control of Crime Data
Criminal Justice System: 5.5	Research and Evaluation in the Courts
Criminal Justice System: 6.4	Offender Statistical Data
Criminal Justice System: 6.6	Corrections Experience Data
Criminal Justice System: 6.7	Evaluating the Performance of the System
Criminal Justice System: 8.8	Information for Research
Criminal Justice System: 10.3	System Planning
Criminal Justice System: 10.5	Systems Analysis and Design
Criminal Justice System: 11.1	Pre-Implementation Monitoring
Criminal Justice System: 11.2	Implementation Monitoring
Criminal Justice System: 11.3	Impact Evaluation.
Law Enforcement Planning, Research and Information Systems	
Police: 5.3	Commitment to Planning
Police: 5.4	Agency and Jurisdictional Planning
Police: 5.5	Police-Community Physical Planning
Police: 5.6	Responsibility for Fiscal Management
Police: 5.7	Fiscal Management Procedures
Police: 5.8	Funding
Police Recommendation: 5.1	Interrelationships of Public and Private Police Agencies
Police Recommendation: 5.2	National Institute of Law Enforcement and Criminal Justice Advisory Committee
Police Recommendation: 5.3	Measures of Effectiveness
Police: 9.3	Annual Review of Agency Specialization
Police Recommendation: 13.1	Job-Related Ability and Personality Inventory Tests for Police Applicants
Police Recommendation: 13.2	Development and Validation of a Selection Scoring System
Police Recommendation: 19.1	Study in Police Corruption
Police: 22.2	Transportation Equipment Acquisition and Maintenance
Police: 22.1	Transportation Testing

Police:	23.1	Digital Communications Systems
Police:	23.2	Standardized Radio Equipment
Police:	23.3	Frequency Congestion

Courts Planning and Research

Courts Recomendation:	4.1	Study of the Exclusionary Rule
Courts Recommendation:	4.2	Use of Video Taped Trials in Criminal Cases
Courts:	9.5	Coordinating Councils
Courts:	9.5	Participation in Criminal Justice Planning
Courts:	11.2	Automated Legal Research

Criminal Justice Information Systems

Criminal Justice System:	3.1	Coordination of Information Systems
Criminal Justice System:	3.2	State Role in Criminal Justice Information and Statistics
Criminal Justice System:	3.3	Local Criminal Justice Information System
Criminal Justice System:	3.4	Criminal Justice Component Information Systems
Criminal Justice System:	4.8	Geocoding
Criminal Justice System:	5.6	Case Counting
Criminal Justice System:	6.2	Uniform Classification of Data
Criminal Justice System:	6.3	Expansion of Corrections Data Base
Criminal Justice System:	7.1	Data Elements for OBTS and Computerized Criminal History Records
Criminal Justice System:	7.2	Criminal Justice Agency Collection of OBTS-CCH Data
Criminal Justice System:	7.3	OBTS-CCH File Creation
Criminal Justice System:	7.4	Triggering of Data Collection
Criminal Justice System:	7.5	Completeness and Accuracy of Offender Data
Criminal Justice System:	7.6	Separation of Computerized Files
Criminal Justice System:	7.7	Establishment of Computer Interfaces for Criminal Justice Information Systems
Criminal Justice System:	7.8	The Availability of Criminal Justice Information Systems
Criminal Justice System:	8.1	Security and Privacy Administration
Criminal Justice System:	8.2	Scope of Files
Criminal Justice System:	8.3	Access and Dissemination
Criminal Justice System:	8.4	Information Review
Criminal Justice System:	8.5	Data Sensitivity Classification
Criminal Justice System:	8.6	System Security
Criminal Justice System:	8.7	Personnel Clearances
Criminal Justice System:	9.2	Programming Languages
Criminal Justice System:	9.2	Teleprocessing
Criminal Justice System:	10.1	Legislative Action
Criminal Justice System:	10.2	The Establishment of Criminal Justice User Groups
Criminal Justice System:	10.4	Consolidation and Surrogate Services
Police:	17.5	Personnel Records
Police:	24.2	Basic Police Records
Police:	24.3	Data Retrieval
Police:	24.4	Police Telecommunications
Courts:	12.6	Filing Procedures and Statistical Systems

Workshop Number: 22
Workshop Title: Planning, Research, Evaluation, and Information Systems
Workshop Leader: Cindy Turnure

General Comments on Standards as a Whole

The group felt that the standards in this category were not always consistent, and that some standards actually contradicted others. They felt it was hard to prioritize the standards — that the State should be doing all of these things. They felt there was a lack of attention to the amount of money some of these goals would involve and to any time frame for their accomplishment. There was concern that there be overall coordination and accountability, especially with regard to developing information systems. There was concern that the main focus of many standards was "systems maintenance", a focus which could conceivably inhibit legitimate research and serve to protect the bureauracy.

The main concerns of the group over the two days of discussion were concentrated on 1) **what types of information should go into criminal justice information systems, and 2) who should have access to such information and for what purposes.** The group felt that the purpose of collecting criminal justice information must be stated and justified **prior** to its collection, dissemination, etc. The criminal justice system benefits of collecting the information must clearly outweigh the potential damage that it could do to the individual. The group felt strongly that only objective, public-record information should be entered into computerized criminal justice information systems, and that subjective information (on a person's attitudes, etc.) had no place in such systems. There was general agreement that any information in such systems must be kept accurate and up-to-date and that records of arrests without information on dispositions should not be kept.

With regard to accessibility and dissemination of criminal justice information, there was concern that a person's criminal record should not follow him into the private sector and be made available to employers, credit bureaus, banks, etc. Access to such information must clearly serve a **criminal justice purpose.** There was general agreement that such information is much too easily accessible now (many examples were given). Finally, there was discussion concerning how long a person's previous record should be kept on file. It was generally agreed that if a person committed no new offense for 5-10 years after being released from supervision, his name should be removed from active criminal justice files.

In conclusion, the group was very concerned with the need to establish the proper balance between the legitimate information needs of law enforcement and other criminal justice agencies and the individual's right to privacy and right to change over time.

Standard 4.8 — Geocoding
Standard 7.7 — Establishment of Computer Interfaces

Both of these standards ignore the need for dedicated computers, and may conflict with the standards concerned with privacy and security. Such interfacing may mean that security and privacy of information is lost. These problems are not addressed by the present standards.

Standard 3.1 — Coordination of Information Systems Development

This still is a problem in Minnesota. There is an executive order relevant to this need, but no one state agency is responsible for such coordination. The MINCIS Board is only "advisory". As a consequence, a number of information systems have already been developed that cannot be coordinated with each other.

Standard 6.2 — Uniform Classification of Data

This is a very important area that is not well-understood. Unless **all** data systems use the same classifications and definitions, information cannot be shared or analyzed on a large-scale basis. Some of the standards themselves do not use uniform definitions (e.g., for "dedicated") uniform definitions for "half-way house", etc., must be developed soon for all agencies collecting criminal justice information.

Standard 7.4 — Triggering of Data Collection

This standard should be expanded to include the direct feeding of information into the computer at the point the event occurs.

Standard 7.6 — Separation of Computerized Files

Under **no** circumstances should a non-criminal justice agency have direct access to a criminal justice information system.

Standard 8.4 — Information Review

The group questions whether "intelligence files" should be exempt from this (and other standards). Nobody seems to know what's **in** intelligence files, and how they are used. This seems to be a loophole in the standards. The content and use of intelligence

files needs to be spelled out much more clearly.

Standard 8.8 — Information for Research

This is a good standard but the group was concerned that it might unduly limit legitimate, responsible research, especially with regard to doing follow-ups.

Similar problems exist with regard to the use of juvenile records for research — after such records are sealed, does that mean **all** information (or only names) is inaccessible for research purposes?

Standard 11.3 — Impact Evaluation

We need to determine why information systems are needed, if use is really being made of them, if they are really cost-effective, etc. The group was very concerned that many criminal justice agency personnel, especially in decision-making positions, do not understand how criminal justice information can be used in planning, evaluation, and decisions about their operations. Perhaps some kind of newsletter on successful uses of information systems is needed, as well as more training for agency personnel.

Standard 23.1 — Digital Communications System

This can potentially save an enormous amount of money.

Standard 11.2 — Automated Legal Research

This concept should be extended to other components of the criminal justice system also (police, etc.). There was some discussion concerning whether the state or private industry should develop such services. There was agreement that the need for and cost-effectiveness of such systems should be studied prior to instituting them.

Workshop Number: 24
Workshop Title: Planning Research and Development
Workshop Leader: John O'Sullivan

I. **Introduction**

The first meeting of workshop #24 was held on the afternoon of October 7, 1974. The session began with an introduction of all workshop participants. While the participants in the workshop varied throughout the two days of the conference, it generally had the following composition:

A. Law enforcement — 10
B. Courts — 0
C. Corrections — 5
D. Citizen/community — 2
E. Information system specialists — 3

Following an overview of the workshop format and the general purpose of the conference presented by the workshop leader, the workshop members discussed at length the approach they felt most qualified to take. In general, the members felt they were not familiar enough with the standards (a significant number of the standards assigned to the workshop #24 were highly technical in nature) to use the suggested format. Rather, it was the concensus of the group to discuss in general terms standards relating to areas of expertise within the group. Also, the group decided it would devote its efforts in the last workshop session to the discussion and development of new standards.

II. **Review and Discussion of Assigned Standards**

Standard 4.2 Crime Analysis Capability

The group in general supported Standard 4.2. It did recommend that the Minnesota Task Force on Criminal Justice Standards and Goals examine the utility of the current CJRS module. Additionally, the group recommended that the Task Force consider what kind of training may be necessary to insure that information provided by CJRS is understood and properly used by individual departments.

Standard 4.5 UCR Participation

The group endorsed Standard 4.5. However, the group was not familiar with the current state legislation on this standard and wished to point out that **if** the current legislation is "elective" it would strongly recommend that the legislation be amended and that participation in UCR be "mandatory".

Standard 4.6 Expanded Crime Data:

The group expressed grave concern over the privacy/security issue on this standard. They agreed that **only** "incident characteristic data" should be available for planning purposes. Even then, access to such information should be limited and clearly defined.

The privacy/security issue dealt primarily with #6 (offender characteristics) and #8 (witness and evidence). The group felt strongly that access to data elements in numbers 6 and 8 should be very strictly regulated.

Standard 4.7 Quality Control of Crime Data:

While the group in general felt that "quality control" and auditing of incident and arrest reporting might be desirable, they indicated that an extensive auditing program was probably not financially feasible. BCA representatives in the group pointed out that such auditing is currently being done on a random basis.

The section of Standard 4.7 dealing with "key characteristics of records" was also discussed. It was indicated that such information would be inappropriate in a state system and most likely beyond the capability of all but a few local law enforcement agencies in Minnesota.

Standard 5.3 Commitment to Planning

The group supported the concept of Standard 5.3 as being necessary and appropriate in those law enforcement agencies that have the requisite manpower. They pointed out however, that of the 350 local law enforcement agencies in the state of Minnesota, only a few (apx. 5%) have the resources necessary to develop a planning capability. The group recommended that the Task Force consider the development of a state wide technical assistance program that could provide short term planning assistance to smaller agencies.

Standard 3.3 Local Criminal Justice Information Systems

The group agreed with Standard 3.3 but would recommend an amendment in the first sentence that would provide greater flexibility in accomplishing the intent of this statement.

The amendment recommended would insert "regional or state" in the first sentence. As

amended, the sentence would then read: "Every locality should be serviced by a local, regional or state criminal justice . . .".

Standard 4.8 Geocoding

While the group agreed with the intent of Standard 4.8, it recommended that the Task Force consider proposing the development on a basic standardized and state wide geocoding format. In those jurisdictions where a more sophisticated geocoding system would be necessary, they would be able to build upon the standardized or statewide format.

Standard 7.5 Completeness and Accuracy of Offender Data

In discussing Standard 7.5, the group recommended that the Task Force consider the following:

1. Compatability as it relates to inter-agency accessibility.
2. At a minimum, a random verification and audit system should be developed.
3. Item 3B of Standard 7.5 should be compared to existing Minnesota statutes. Also, "purging by virtue of lapse of time" should not be the singular criteria for purging records.
4. Complete record purging should not occur. A "dead file system" with limited accessibility should be established. Accessibility to this dead file system should be through an identification file.

Standard 17.5 Personnel Records

The personnel Information system addressed in Standard 17.5 was discussed at length. Carl Pearson, Director of the MPOTB, explained the status of the Board's activities in this area.

Following the explanation by Mr. Pearson, the group indicated that:

1. A personnel information system would be of little utility unless it was accurate and continually updated.
2. Item 2 of Standard 17.5 may be in conflict with existing Minnesota statutes.

III. Discussion and Development of New Standards

A. The group recommended that the Task Force should develop a standard on legislation that would require reserve peace officer training. While functions and responsibilities of reserve peace officers vary throughout the state, legislation should be enacted which would establish minimum recruitment and training standards. The legislation should also require certification by the MPOTB.

B. The group recommended that the Task Force should develop a standard on legislation that would regulate off duty peace officer employment. Such legislation is necessary primarily to avoid conflict of interest situations.

C. The group recommended that the Task Force should develop a standard on legislation which would regulate private police agencies. Such legislation should require a state approved training curriculum, state certified instructors, minimum selection requirements, training in the use of firearms and establish procedures for licensing private police agency personnel. Also, the legislation should require restrictions on the use of weapons, it should standardize uniforms and vehicle appearance.

D. The group recommended that the Task Force consider criminal justice planning standards. They indicated that the effectiveness of the Crime Commission would increase if it were established under statutory authority. Such legislation should establish the Crime Commission as a permanent state agency with a clearly defined role of planning. The current emphasis on the administration of grants should be subordinate to the Commission's planning mandate.

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Rosemary Ahmann
Olmsted County Commissioner

Charles Alexander
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Senator Winston Borden
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Bemidji, State College
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Region "B" Co-ordinator
Arrowhead Regional Development Commission
900 Alworth Building
Duluth, MN 55802

Region "C" Co-ordinator
Crime Commission
115 Third Avenue West
Alexandria, MN 56308

Region "D" Co-ordinator
Center for the Study of Local Government
St. John's Mall Center

Region "E" Co-ordinator
Crime Commission
P.O. Box 217
Marshall, MN 56258

Region "F" Co-ordinator
Crime Commission
P.O. Box 007
Mankato State College
Mankato, MN 56001

Region "G" Co-ordinator
Metropolitan Council
Third Floor, Metro Square Building
St. Paul, MN 55101

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