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The Criminal Justice
STANDARDS
and
GOALS
of the National Advisory Commission
Digested from
A National Strategy to Reduce Crime

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PENNSYLVANIA
COMMITTEE FOR
CRIMINAL JUSTICE
STANDARDS AND GOALS

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P R E F A C E

This booklet is a condensed and edited version of the National Advisory Commission on Criminal Justice Standards and Goals' survey volume entitled A National Strategy to Reduce Crime. The work of preparing this publication was primarily done by the National Council on Crime and Delinquency and sponsored by the Association of Junior Leagues. The Pennsylvania Committee for Criminal Justice Standards and Goals is grateful to the Council and the Association for their permission to use this material.

The Pennsylvania Committee has reprinted this information so that the National Advisory Commission's recommendations can be made readily available to the many Pennsylvanians concerned with criminal justice improvement. This summary suggests priorities that should be set by the State and the Nation in their fight against crime and delinquency. It is hoped that this will stimulate further thought and action on the part of Pennsylvanians in deciding what standards and recommendations are most appropriate for implementation within the Commonwealth.

I N T R O D U C T I O N

BACKGROUND ON THE NATIONAL STANDARDS AND GOALS AND THE PENNSYLVANIA EFFORT

1. What Are the National Standards and Goals?

They are the final recommendations of the National Advisory Commission on Criminal Justice Standards and Goals that was appointed in October, 1971, by the Administrator of the Law Enforcement Assistance Administration (LEAA) to develop "national goals, standards and priorities for reducing crime in America and for upgrading law enforcement, courts, corrections, and other systems related to reducing crime."

The final report, published in the fall of 1973, consists of six volumes and contains 428 standards broken into five major sections--Criminal Justice System (69), Police (107), Courts (94), Corrections (129) and Community Crime Prevention (29).

Each recommended standard is stated and followed by a commentary which justifies the standard, gives some supporting examples, and suggests references for further reading. The standards range from very specific statements of organizational relationships to broad statements of goals. They build on the work of the President's Commission on Law Enforcement and the Administration of Justice, 1967, and the extensive ten-year effort of the American Bar Association in developing standards for criminal justice.

2. How Were They Developed?

Four operational task forces--Police, Courts, Corrections and Community Crime Prevention--developed standards and goals by using nationally recognized experts in each area and reviewing reports of successful projects and previous studies. The pertinent sections of each draft were also reviewed by the eight advisory task forces--Civil Disorders, Community Involvement, Drug Abuse, Education Training and Manpower, Information Systems and Statistics, Juvenile Delinquency, Organized Crime, and Research and Development.

After standards had been screened by the operational and advisory task forces, they were voted on by the twenty-two member National Commission, under the chairmanship of Governor Russell Peterson. Over 200 people from all areas of the country, from all levels of the system, were involved in the reviewing and the development of the standards and goals.

3. What Issues Do the Standards Cover?

Each operational task force covered the following areas in its deliberations: Organization/Administration, Planning and Budgeting, Facilities, Equipment, Information, Statistics, Research and Development, Education and Training, Manpower Development (Personnel and Staffing), Community Involvement, and Legislation.

Special attention was given to: Juvenile Delinquency, Drug Abuse, Civil Disorders, and Organized Crime. Throughout the work, the focus was on crime reduction.

4. What is the Status of the National Standards and Goals Now?

The National Standards and Goals are advisory. They are not intended to be imposed by the federal government but rather are designed (1) to serve as benchmarks against which individual states can measure their own progress, and (2) to serve as source materials for states to develop standards and goals which meet their own particular needs. Most of the states, including Pennsylvania, have already begun some formal review of the Commission's reports.

5. What is Being Done in Pennsylvania?

Governor Shapp has asked the Joint Council on the Criminal Justice System, founded in 1971 by the State Trial Judges Conference and the Pennsylvania Bar Association, to assume leadership of the review and action on National Standards and Goals.

The Governor's Justice Commission has funded a special project to staff this effort and work with the responsible agencies in upgrading Pennsylvania's criminal justice system, using both the National Standards and the American Bar Association Project on Standards. The Governor has directed all state agencies to cooperate fully and to assign agency staff on a part-time basis to the project. This effort is under the direct supervision of the Pennsylvania Committee for Criminal Justice Standards and Goals, which is a committee of the Joint Council.

The Pennsylvania Standards and Goals Project is now engaged in the process of meeting and working with state and local agencies and with private organizations and community leaders to ensure the broadest participation in the effort to improve the state's criminal justice system. Primary attention during the coming year will be devoted to the identification of those standards that should receive the highest priority in Pennsylvania and the mobilization of support for their implementation.

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A National Strategy to Reduce Crime

GOALS AND PRIORITIES

GOALS FOR CRIME REDUCTION

The Commission proposes as a goal for the American people a 50% reduction in high-fear crimes by 1983. It further proposes that crime reduction efforts be concentrated on five crimes. The goals for the reduction of these crimes should be:

- Homicide: Reduced by at least 25% by 1983
- Forcible Rape: Reduced by at least 25% by 1983
- Aggravated Assault: Reduced by at least 25% by 1983
- Robbery: Reduced by at least 50% by 1983
- Burglary: Reduced by at least 50% by 1983

PRIORITIES FOR ACTION

The Commission proposes four areas for priority action in reducing the five target crimes:

- Juvenile Delinquency: The highest attention must be given to preventing juvenile delinquency and to minimizing the involvement of young offenders in the juvenile and criminal justice system, and to reintegrating juvenile offenders into the community.
- Delivery of Social Services: Public and private service agencies should direct their actions to improve the delivery of all social services to citizens, particularly to groups that contribute higher than average proportions of their numbers to crime statistics.
- Prompt Determination of Guilt or Innocence: Delays in the adjudication and disposition of criminal cases must be greatly reduced.
- Citizen Action: Increased citizen participation in activities to control crime in their community must be generated, with active encouragement and support by criminal justice agencies.

KEY COMMISSION PROPOSALS

CRIMINAL JUSTICE SYSTEM

The Commission proposes broad reforms and improvements in the criminal justice system at the State and local levels. Key recommendations include:

- Development by States of integrated multiyear criminal justice planning.
- Establishment of criminal justice coordinating councils by all major cities and counties.
- Establishment by each State of a Security and Privacy Council to develop procedures and recommendations for legislation to assure security and privacy of information contained in criminal justice information systems.
- Creation by each State of an organizational structure for coordinating the development of criminal justice information systems.

COMMUNITY CRIME PREVENTION

The Commission proposes that all Americans make a personal contribution to the reduction of crime, and that all Americans support the crime prevention efforts of their State and local governments. Key recommendations include:

- Increased citizen contribution to crime prevention by making homes and businesses more secure, by participating in police-community programs, and by working with youth.
- Expanded public and private employment opportunities and elimination of unnecessary restrictions on hiring ex-offenders.
- Establishment of and citizen support for youth services bureaus to improve the delivery of social services to young people.
- Provision of individualized treatment for drug offenders and abusers.
- Provision of statewide capability for overseeing and investigating financing of political campaigns.
- Establishment of a statewide investigation and prosecution capability to deal with corruption in government.

KEY COMMISSION PROPOSALS

POLICE

The Commission proposes that the delivery of police services be greatly improved at the municipal level. Key recommendations include:

- Consolidation of all police departments with fewer than 10 sworn officers.
- Enhancement of the role of the patrolman.
- Increased crime prevention efforts by police working in and with the community.
- Affirmative police action to divert public drunks and mental patients from the criminal justice system.
- Increased employment and utilization of women, minorities, and civilians in police work.
- Enactment of legislation authorizing police to obtain search warrants by telephone.

COURTS

The Commission proposes major restructuring and streamlining of procedures and practices in processing criminal cases at the State and local levels, in order to speed the determination of guilt or innocence. Key recommendations include:

- Trying all cases within 60 days of arrest.
- Requiring judges to hold full days in court.
- Unification within the State of all courts.
- Allowing only one review on appeal.
- Elimination of plea bargaining.
- Screening of all criminal cases coming to the attention of the prosecutor to determine if further processing is appropriate.
- Diverting out of the system all cases in which further processing by the prosecutor is not appropriate, based on such factors as the age of the individual, his psychological needs, the nature of the crime, and the availability of treatment programs.
- Elimination of grand juries and arraignments

KEY COMMISSION PROPOSALS

CORRECTIONS

The Commission proposes fundamental changes in the system of corrections that exists in States, counties, and cities in America—changes based on the belief that correctional systems usually are little more than “schools of crime.” Key recommendations include:

- Restricting construction of major State institutions for adult offenders.
- Phasing out of all major juvenile offender institutions.
- Elimination of disparate sentencing practices.
- Establishment of community-based correctional programs and facilities.
- Unification of all correctional functions within the State.
- Increased and expanded salary, education, and training levels for corrections personnel.

CRIMINAL CODE REFORM AND REVISION

The Commission proposes that all States reexamine their criminal codes with the view to improving and updating them. Key recommendations include:

- Establishment of permanent criminal code revision commissions at the State level.
- Decriminalization of vagrancy and drunkenness.

HANDGUNS IN AMERICAN SOCIETY

The Commission proposes nationwide action at the State level to eliminate the dangers posed by widespread possession of handguns. The key recommendation is:

- Elimination of importation, manufacture, sale, and private possession of handguns by January 1, 1983.

Chapter 1

A National Strategy to Reduce Crime

This report presents a national strategy to reduce crime. After almost 2 years of study and research, the National Advisory Commission on Criminal Justice Standards and Goals concludes that this Nation can reduce crime over the next 10 years.

America can and should begin to reduce crime of all sorts, and to erase those social conditions associated with crime and delinquency—poverty, unemployment, inferior education, and discrimination.

GOALS FOR CRIME REDUCTION

The Commission proposes as a goal for the American people a 50% reduction in high-fear crimes by 1983. It further proposes that crime reduction efforts be concentrated on five crimes. The goals for the reduction of these crimes should be:

- Homicide: Reduced by at least 25% by 1983
- Forcible Rape: Reduced by at least 25% by 1983
- Aggravated Assault: Reduced by at least 25% by 1983
- Robbery: Reduced by at least 50% by 1983
- Burglary: Reduced by at least 50% by 1983

THE NEED FOR A PLAN

Americans know that crime reduction is imperative. They know the costs and consequences of crime. They know the fear of crime. They have been the victims of crime.

In early 1973, Dr. George Gallup released a poll showing that more than one of every five people across the Nation had been victimized by crime between December 1971 and December 1972. The figures for center cities showed that one out of three people had been victims of crime. Respondents listed crime as the worst problem in their community. Fifty-one percent of the people questioned by Dr. Gallup said there was more crime in their area than there was a year ago. Only 10 percent said there was less crime.

There has been considerable study of the criminal justice system in this Nation in recent years. Congress has examined the problems and developed laudable programs. The Department of Justice, the Department of Health, Education, and Welfare, and the Special Action Office for Drug Abuse Prevention - to name just a few Federal agencies - have studied the crime situation and begun to move toward solutions. State and local governments have reacted to the growing public desire for crime reduction, and the press has focused attention on many of the most neglected areas of the criminal justice system.

What has been needed, however - and what this Commission now provides - is a plan of action that states, cities, and citizens can implement to reduce crime, protect society, and increase public safety.

The Commission's plan begins with the selection of goals - including the goal of reducing "high-fear" crime by 50 percent in 1983.

The Commission proposes four priorities for action for reducing all of the target crimes. These are:

- . Preventing juvenile delinquency.
- . Improving delivery of social services.
- . Reducing delays in the criminal justice process.
- . Securing more citizen participation in the criminal justice system.

The plan also emphasizes the need for all elements of the criminal justice system to plan and work together as a system and to plan and work together with the social service delivery system. The plan emphasizes the need for greater community support of the police and for the police patrolman to strengthen his ties to the community and to be given greater responsibility and authority for preventing and reducing crime in the community. The plan emphasizes the need for the prosecutor, defender, and judiciary to work toward insuring speedier trials while still protecting fundamental rights. The plan also emphasizes the need for corrections to develop effective programs and procedures for reintegrating offenders into the community as soon as possible consistent with the protection of the community.

Chapter 2

National Goals and Priorities

Priority: Preventing Juvenile Delinquency

The highest attention must be given to preventing juvenile delinquency, minimizing the involvement of young offenders in the juvenile and criminal justice system, and reintegrating them into the community. By 1983 the rate of delinquency cases coming before courts that would be crimes if committed by adults should be cut to half the 1973 rate.

Street crime is a young man's game. More than half the persons arrested for violent crime in 1971 were under 24 years of age, with one-fifth under 18. For burglary, over half of the 1971 arrests involved youths under 18.

There is strong evidence that the bulk of ordinary crime against person and property is committed by youths and adults who have had previous contact with the criminal justice or juvenile justice system. Recent evidence in support of this assumption is a study of delinquency in all males born in 1945 who lived in Philadelphia from their 10th to their 18th birthdays. Specifically the study concluded that the more involvement a juvenile had with the police and juvenile justice authorities, the more likely he would be to be further involved. Of the 9,945 subjects, 3,475 (35 percent) came in contact with police at least once. Of this delinquent group, about 54 percent had more than one contact with police. This 54 percent was responsible for 84 percent of all police contacts in the group. Eighteen percent of those having repeated contact with the police had five or more contacts and were responsible for 52 percent of all police contacts in the delinquent group.

Increased efforts must be made to break this cycle of recidivism at the earliest possible point. One approach is to minimize the involvement of the offender in the criminal justice system. Minimized involvement is not a fancy phrase for "coddling criminals." It means simply that society should use that means of controlling and supervising the young offender which will best serve to keep him out of the recidivism cycle and at the same time protect the community. It is based on an easily justified assumption: the further an offender penetrates into the criminal justice process, the more difficult it becomes to divert him from a criminal career.

People tend to learn from those closest to them. It is small wonder that prisons and jails crowded with juveniles, first offenders, and hardened criminals have been labeled 'schools of crime.'

People also tend to become what they are told they are. The stigma of involvement with the criminal justice system, even if only in the informal processes of juvenile justice, isolates persons from lawful society and may make further training or employment difficult. A recent survey conducted for the Department of Labor revealed that an arrest record was an absolute bar to employment in almost 20 percent of the State and local agencies surveyed and was a definite consideration for not hiring in most of the remaining agencies.

For many youths, as noted above, incarceration is not an effective tool of correction. Society will be better protected if certain individuals, particularly youths and first offenders, are diverted prior to formal conviction either to the care of families or relatives or to employment, mental health, and other social service programs. Thus a formal arrest is inappropriate if the person may be referred to the charge of a responsible parent, guardian, or agency. Formal adjudication may not be necessary if an offender can be safely diverted elsewhere, as to a youth services bureau for counseling or a drug abuse program for treatment. Offenders properly selected for pretrial/diversion experience less recidivism than those with similar histories and social backgrounds who are formally adjudicated.

To assure progress toward the goal of minimizing the involvement of juveniles in the juvenile justice system, the Commission proposes that the 1973 rate of delinquency cases disposed of by juvenile or family courts for offenses that would be crimes if committed by adults should be cut in half by 1983.

The Department of Health, Education, and Welfare, which collects information on juvenile courts, estimates that a little less than 40 percent of cases disposed of by courts are cases of running away, truancy, and other offenses that would not be crimes if committed by an adult. These are the so-called juvenile status offenses.

The remaining 60-odd percent of cases estimated to be disposed of by juvenile or family courts are nonstatus crimes, those that would be crimes if committed by adults. It is the rate of these cases which the Commission would propose to cut in half.

Meeting the goal, the Commission believes, should result in significant decreases in crime through preventing recidivism and might also prove to be far less costly than dealing with delinquents under present methods. To process a youth through the juvenile justice system and keep him in a training school for a year costs almost \$6,000. There is no reason to believe that the cost of a diversionary program would exceed this figure, since most such programs are not residential. Indeed, diversion might prove to provide significant savings.

Priority: Improving Delivery of Social Services

Public agencies should improve the delivery of all social services to citizens, particularly to those groups that contribute higher than average proportions of their numbers to crime statistics.

There is abundant evidence that crime occurs with greater frequency where there are poverty, illiteracy, and unemployment, and where medical, recreational, and mental health resources are inadequate. When unemployment rates among youths in poverty areas of central cities are almost 40 percent and crime is prevalent, it is impossible not to draw conclusions about the relationship between jobs and crime. The Commission believes that effective and responsive delivery of public services that promote individual and economic well-being will contribute to a reduction in crime. The rationale for the value of a variety of services is well expressed in the Commission's Report on Community Crime Prevention.

The Commission particularly wishes to call attention to the provision of drug and alcohol abuse treatment. Communities must recognize the diversity of drug abuse and alcohol problems and the need for a number of alternative treatment approaches. Citizens must be willing to make the investment that such treatment requires, not merely because it will reduce crime but because adequate treatment is essential to deal with an increasingly serious national health problem.

Priority: Reducing Delays in the Criminal Justice Process

Delays in the adjudication and disposition of cases must be greatly reduced and the period between arrest and trial must be reduced to the shortest possible time.

In recent years, backlogs in the courts have become a well-publicized symbol of inefficiency in the entire system. Many courts in large cities have experienced delays of 300 to 1,000 days from arrest to trial and final disposition. Legislatures and other parts of the criminal justice system, as well as judges, defense attorneys, and prosecutors, must bear some of the responsibility for the problem. Delay in the criminal justice process frustrates law enforcement efforts and develops a sense of injustice in offender, victim, and citizen alike.

The negative byproducts of judicial delay are many. The number of defendants incarcerated and awaiting trial is reaching alarming proportions in many large cities, and detention facilities are dangerously overcrowded. The LEAA National Jail Census in 1970 revealed that 52 percent of the jail inmates were awaiting trial. Pretrial incarceration is costly to the individual, for it denies him income and, in fact, may cause him to lose his job. Extended incarceration resulting from judicial delay is also costly to the public, since pretrial detainees must be fed and supervised.

Alternatives to incarceration such as bail and release on recognizance present another set of problems in cases of long delays between arrest and trial. A 1968 survey in the District of Columbia found "... an increased propensity to be rearrested where the release period extends more than 280 days."

The pressures of heavy backlogs contribute to the notorious practice of plea bargaining. Faced with an overwhelming caseload, prosecutors seek to avoid time-consuming trials by disposing of felony indictments through negotiated guilty pleas to less serious felonies and misdemeanors. Whether viewed from a rehabilitation or deterrence perspective, workload-motivated plea bargaining is an undesirable practice that can be gradually eliminated if accompanied by less burdensome court backlogs.

Priority: Increasing Citizen Participation

Citizens should actively participate in activities to control crime in their community, and criminal justice agencies should actively encourage citizen participation.

The criminal justice system depends on citizen participation. Most crimes do not come directly to the attention of police; they are reported by citizens. Without active cooperation of citizen jurors and witnesses, the judicial process cannot function. Institutional education and training programs will not be useful to the offender if he cannot find employment in the community in which he is released. The best-trained and equipped police force will fare poorly in the battle against crime if the citizens it serves do not take basic precautionary measures to protect themselves and reduce criminal opportunities.

The Royal Oak concept utilizes volunteers and professionals together and statistics indicate that volunteers and professionals working together can provide intensive probation services that are three times more effective than those provided by a probation officer working alone.

All criminal justice agencies can do much in their operations to encourage citizens' involvement. They first must organize their operations to increase acceptability to the citizens they serve and to encourage these citizens to support their activities. This means, for example, that police must process complaints efficiently and courteously; that courts must minimize the time lost by jurors and witnesses; that corrections must run its institutions to permit the community reasonable access to those incarcerated. These are minimums. Criminal justice agencies can do much more, if they actively seek to explain their role to citizens' groups and show how citizens themselves may participate in community crime prevention. Above all, criminal justice agencies must understand and know the communities they serve. Active personnel recruitment from all facets of the community is essential if citizens and the criminal justice system are to work together as a team.

Chapter 3

Toward a System of Criminal Justice

“Fragmented,” “divided,” “splintered,” and “decentralized” are the adjectives most commonly used to describe the American system of criminal justice.

The sheer number of independent agencies is the most visible evidence of fragmentation. According to a 1970 survey, there are 46,197 public agencies in the criminal justice system that are administered at the State or local government level in towns of more than 1,000 population. Most States have hundreds of criminal justice agencies. For example, in Wisconsin, a medium-sized State whose criminal justice structure is typical of other States, there are 1,075 separate criminal justice agencies. These include 458 law enforcement agencies, 221 courts, 197 prosecution offices, five defenders' offices, 98 adult and juvenile corrections departments, 72 probation offices, and 24 other criminal justice related agencies.

Words such as fragmented and divided, however, refer not only to demarcations in authority, but to differences in states of mind, and not only to physical distances, but to distances in philosophy and outlook.

In a recent study of conflict within a large urban criminal justice system, police, courts, and corrections personnel were asked what problems were caused for them by other criminal justice agencies. A sample of the responses reveals the different perspectives of those interviewed:

- Criticisms of law enforcement: “Police are disrespectful and tend to harass parolees.” “Most of them believe in a police state and if one doesn't agree with their values, etc., they classify that person as the enemy.”
- Criticisms of the public defender: “Excessive use of technical legal points to free an obviously guilty person.” “Often times this agency will attempt to stall a case by using questionable techniques in court.”

- Criticisms of city and district attorneys: "Tend to overcharge by filing too many charges of greater severity than offense calls for." "Go it alone attitude—entire division created for juvenile justice work with no discussion or involvement of probation people."
- Criticisms of municipal and superior courts: "The sentences have little or no relation to the crimes charged." "Entirely too many cases dismissed due to minor technicalities."
- Criticisms of departments of corrections and probation: "They take a soft approach to criminals." "Has no real rehabilitation—sends problems back to the community."

These perceptions are not surprising. Criminal justice agencies are highly dependent upon one another. What particular law enforcement, courts, and corrections agencies do in handling offenders and processing information affects all the rest. Yet attorneys, patrolmen, and corrections officers frequently have quite different on-the-job experiences, constitutional responsibilities, educational backgrounds, professional objectives, and social class origins.

In addition, crime is an emotional issue. Its causes and solutions are the subject of intense disagreement among police, courts, and correctional personnel. General consensus among professionals can rarely be reached on basic questions.

Lack of agreement on answers to these basic questions present criminal justice with its most difficult dilemma. If criminal justice professionals cannot reach a consensus on what to do about crime and criminals, it is unrealistic to expect the public and political leaders to do so. The most enduring problems facing the criminal justice system are not technical or financial—they are political. The consequences of lack of professional agreement are deadlock, inaction, and confusion in making public policy.

Discussed in this chapter are three concerns common to the total criminal justice system: criminal justice planning, criminal justice information systems, and criminal justice education. Major recommendations call for:

- Development by States of a general system of multiyear criminal justice planning.
- Establishment of criminal justice coordinating councils by all major cities and counties.
- Creation by each State of an organizational structure for coordinating the development of criminal justice information systems.
- Establishment by each State of a Security and Privacy Council to oversee security and privacy of information contained in criminal justice information systems.
- Establishment of strict security and privacy procedures to protect the integrity of criminal history files.
- Establishment by agencies of higher education of criminal justice system curriculums and programs to prepare persons to work in the criminal justice system.

No one agency alone has been given the societal responsibility of reducing crime. Questions of major policy in criminal justice require agreement between police, courts, corrections, and other public and private agencies. The Commission's standards on criminal justice planning, criminal justice information systems, and criminal justice education present avenues for reaching agreement. Planning agency supervisory boards and college classrooms are forums where various parts of the system and the non-criminal-justice community may come together to discuss particular concerns and ultimate objectives. Criminal justice information systems that are centrally planned and organized can provide data badly needed in understanding the problems of the criminal justice process.

Chapter 4

Community Crime Prevention

The Commission's standards and recommendations regarding community crime prevention cover such diverse but critical areas as:

- Citizen volunteers in criminal justice.
- Expanded public employment programs in areas of high unemployment.
- Career education in elementary and secondary schools.
- Individualized community drug abuse treatment services.
- Physical design of buildings, parks, and thoroughfares to reduce criminal opportunities.
- Ethical codes of conduct for governmental officials.

These varied approaches to community crime prevention are based on the assumption that there is no single solution to the crime problem. Indeed, actions designed to combat one type of crime may have no impact on another. A methadone maintenance program, as an example, might be useful in preventing shoplifting by addicts but may have no significant effect on the murder rate. A streetlighting campaign may prevent auto theft and vandalism but may not reduce aggravated assault.

Similarly, one type of program may not be beneficial to all offenders. Alternative strategies must be designed to deal with particular cases—treatment programs for the addict and the alcoholic, special counseling for the young offender, and job training and placement for the unemployed offender.

The following synopsis of the Commission's Report on Community Crime Prevention focuses on three areas of activity outside the traditional criminal justice system that can contribute significantly to reducing serious, high-fear crime. These areas are citizen action, the delivery of public services, and the reduction of criminal opportunities.

CITIZEN ACTION

Action by private citizens is at the heart of community crime prevention.

Citizens can improve education, employment, and recreation; citizens can devise programs to reduce criminal opportunities by designing safer buildings; citizens can insure the integrity of elected and appointed officials.

Volunteer Programs in Courts and Corrections

While some citizen efforts are designed to increase the safety of persons and property or to prevent certain crimes, other efforts are aimed at strengthening agencies in the criminal justice system.

Perhaps the largest group of citizens assisting the system are volunteers who work in the courts or in corrections institutions. In the early 1960's, a few pioneer courts began to use volunteers to provide desperately needed probation services. The idea spread quickly and the national director of Volunteers in Probation estimates that today there are about 250,000 volunteers working in courts, prisons, and juvenile institutions. These volunteers, most of whom work individually with offenders, provide services and counseling not otherwise available.

Studying the court system is another effective citizen action approach. Groups of housewives, professionals, and businessmen have undertaken court-watching programs, studies of the pretrial process, or surveys of courtroom efficiency. Based on these studies, citizens have recommended more efficient methods of selecting judges, reducing court backlog, and improving juvenile care procedures.

The Washington, D.C., Pretrial Justice Program, for example, is concerned with practical alternatives to pretrial detention. Studies and reforms have been suggested to minimize the use of pretrial detention consistent with public safety. The group has helped those detained in jail by reporting and attempting to resolve cases of error and delay, and by securing the admission of some defendants into community programs. Other citizen groups have implemented projects to divert defendants from the criminal justice system at a point between arrest and trial, thereby reducing caseloads.

Citizens now are also a part of a substantial movement for correctional reform. Many citizen groups such as the National Council on Crime and Delinquency (NCCD) are concerned with educating the public and legislators to the potential benefits of work release programs, community-based corrections, and other diversion measures.

Citizen organizations are promoting correctional reforms by conducting jail studies, by informing others about the problems faced by offenders while in prison and after release, by encouraging the construction of halfway houses and community-based facilities, and by supporting reform legislation.

In one project, citizen volunteers inspect jails in Jefferson City, Mo., and report their findings to the county court. As a result, 12 antiquated jails have been closed; the citizens' group has recommended that they be replaced with new regional facilities.



The remoteness of government and a declining sense of community have been noted as two significant characteristics of urban America. They are undoubtedly linked, but they need not become permanent conditions. There are signs of a renewed interest among citizens in the problems—including crime—of their cities and towns. A responsive government can help sustain this interest.

DELIVERY OF PUBLIC SERVICES

The need to deliver all public services in a comprehensive fashion is becoming increasingly apparent in urban areas. Education, employment, health, sanitation, and criminal justice agencies frequently have found themselves addressing mere segments of larger problems. Those in need of public services are likely to have multiple problems: youths involved in crime are often dropouts and unemployed; a drug-dependent person may require not only medical treatment but employment counseling and skill training as well.

In some neighborhoods important services are simply not available or are severely deficient. Low income areas often suffer while middle and upperclass neighborhoods receive a high level of service.

The Commission believes municipal services should be allocated to neighborhoods on the basis of need.

Achieving this end will require the expenditure of sufficient funds to maintain equally effective services in all areas of the city or jurisdiction. Also needed is a means of coordinating existing social, medical, and rehabilitative services so that persons may be treated comprehensively.

Social Service Delivery Mechanisms: Youth Services Bureaus

In addition to the equitable delivery of services there is a need for coordinating existing social, medical, and rehabilitative services. Efforts must be made to develop comprehensive service delivery systems that avoid wasteful duplication, open lines of communication to the community, and better assist individual clients through a coordinated delivery of services to arrive at their best functioning level. One of the most important examples of comprehensive services delivery is the youth services bureau.

These bureaus in large part were the result of a recommendation by the 1967 President's Commission on Law Enforcement and Administration of Justice, which urged communities to establish them to serve both delinquent and nondelinquent youth referred by police, juvenile courts, schools, and other sources. The bureaus were to act as central coordinating units for all community services for young people.

In most localities, however, the youth services bureau, at a minimum, is a link between available resources and youth in need. It first identifies services and resources in the community and then refers clients to an agency that can provide the required services. Social services made available might include employment, job training, education, housing, medical care, family counseling, psychiatric care, or welfare.

Specialized services often are needed to help a child and to keep him out of trouble with the law. A child might need services that are not available in the community, such as an alternative educational experience, career training, drug treatment, a group residence, or psychiatric services. It is frequently the responsibility of the youth services bureau to identify these gaps in service and to promote the development of needed resources.

The Youth Development Service in Billings, Mont., as an example, provides little direct service to youth. Instead, it brings agencies together to develop community priorities, to eliminate service duplication, and to redirect resources when current projects are inappropriate. The Youth Advocacy Program in South Bend, Ind., attempts to influence youth-serving agencies to develop innovative programs. Field workers are assigned to five agencies—the recreation department, schools, a family and child agency, city government, and Model Cities—with the task of making them more responsive to youth.

Youth services bureaus sometimes provide specific services themselves when the services are not easily available through other public or private agencies.

Clients come to youth services bureaus from a variety of sources. Individuals may be referred to bureaus by schools or other community agencies, or young people may come to the bureau on their own seeking help.

Enough information has now been gathered on existing youth services bureaus for the Commission to recommend that bureaus be established in communities experiencing serious youth problems. Each year a vast number of young people becomes involved in the justice system for acts that are not crimes for adults: incorrigibility, truancy, running away, and even stubbornness. In addition, many youths are processed through the juvenile justice system for minor offenses that are neither recurring nor a serious threat to the community. Such behavior is often an indication that a young person needs special attention, but not necessarily punitive treatment.

Many of what are now considered delinquency or predelinquency problems should be redefined as family, educational, or welfare problems and diverted from the juvenile justice system. Such diversions can relieve overburdened probation offices and courts and allow them to concentrate on offenders that need serious attention. In addition, diversion through youth services bureaus can avoid the unnecessary "delinquent" label that frequently accompanies involvement with the juvenile court.

Youth services bureaus should make a particular effort to attract the diversionary referrals from the juvenile justice system. At the same time, law enforcement agencies and courts should make policy changes that would allow for the diversion of every juvenile who is not an immediate threat to public safety and who voluntarily accepts referral to a youth services bureau.

Legislation is another means of overcoming the reluctance of law enforcement and court personnel to utilize diversionary alternatives. Legislation accompanied by State funding also would increase awareness of the youth services bureau concept and could stimulate the creation of bureaus in the less affluent and less powerful communities of each State.

Each State should enact enabling legislation that encourages local establishment of youth services bureaus throughout the State and that provides partial funding for them. Legislation also should be enacted to mandate the use of youth services bureaus as a voluntary diversion resource by agencies of the juvenile justice system.

To avoid misunderstanding, criteria for referrals should be developed jointly and specified in writing by law enforcement, courts, and youth services bureau personnel.

In a few communities, what masquerades as a youth services bureau is actually a field office for probation surveillance. Where probation services are particularly limited, court referrals ordering youths to participate in the bureau's programs may seem to be an expeditious alternative. But such action negates the role of the bureau as a program in which young people participate by choice. The bureau becomes part of the traditional enforcement machinery by deciding, in effect, whether or not a youth must be returned to juvenile court. Thus, the stigma of a coercive, officially mandated service remains, without the legal safeguards currently emerging in the justice system itself.

Referrals to the youth services bureau should be completed only if they are voluntarily accepted by the youth. Youths should not be forced to choose between bureau referral and further justice system processing.

Employment

There is a definite association between unemployment or underemployment, and crime. Some individuals who cannot find satisfactory jobs or who are discriminated against in the labor market will turn to illegal activity as a source of income.

A 1972 study comparing national youth arrest rates, unemployment rates, and labor-force participation rates over 2 decades concluded that lack of employment opportunities among white and black youths was a key factor in generating property crime.

Assisting those with severe employment problems is, in the Commission's judgment, an important way to prevent crime. As in other areas, particular attention must be given to programs for young persons. Unemployment among young people has become gradually more serious over the 1960's. In 1960, the unemployment rate for teenagers aged 16 to 19 was three and one-third times the adult rate; in 1971, it was more than four times the adult rate. The problem is even more critical among minority youths in cities. In 1971 the unemployment rate among nonwhite teenagers aged 16 to 19 in low income urban areas was 38 percent compared with an overall unemployment rate for all teenagers of 16.9 percent.

Ex-offenders are another group that has traditionally experienced difficulties in the labor market, particularly in periods of rising unemployment.

It is increasingly doubtful that the private sector alone can provide enough jobs to produce satisfactory changes in unemployment rates among urban youths and ex-offenders. Even in the best of times, meaningful public employment will be needed if the chronically unemployed are to be put to work.

The Commission recommends that economic policy be concentrated on maintaining aggregate employment at a high level. The Commission believes that the ultimate goal of such policy should be to assure that the unemployment rate in poverty areas is no greater than the national rate.

Criminal Records and Employment

Surveys indicate that approximately 25 percent of the national population may have nontraffic arrest records. The chances that a black male from an urban area will be arrested have been estimated at from 50 to 90 percent.

There is little doubt that arrest records are a barrier to employment. In the private sector, few firms exclude former offenders as a blanket policy, but their selection criteria tend to have this effect in practice.

The Commission's standards on information systems (see Chapter 3) prohibit the dissemination of criminal records to private employers, provide for the return of arrest records of individuals not convicted of a crime, and direct the purging of criminal records after certain periods of time.

Education

Schools are the first public agencies that most children contact. For this reason, the schools inevitably have been proposed as vehicles for the solution of a host of public problems including the problem of crime. In making its recommendations, the Commission is well aware of crushing demands already placed upon local school teachers, principals, and school boards.

Nevertheless, individuals sometimes come to the attention of the criminal justice system because the educational system has not met their personal needs. The fact that the public schools have not helped a large portion of young people is reflected in high youth unemployment rates and high dropout rates. Twenty percent of those who now enter grade five leave before high school graduation, and only 28.7 percent of 1971 high school graduates went on to college. Yet 80 percent of the effort in schools is structured to meet college entry requirements. Too often classroom instruction is not related to life outside.

Varied alternative educational experiences should be provided to students who cannot benefit from classroom instruction. School counseling and other supportive services should be available. There should be bilingual programs for young people who are not fluent in English. There should be a guarantee of functional literacy to every student who does not have serious emotional, physical, or mental problems.

Aside from fulfilling the primary objective of preparing young people for adult life, school systems may also contribute to community crime prevention by serving as centers for community activities. The traditional school operating 5 days a week for 39 weeks a year is an unaffordable luxury. Schools can become total community opportunity centers for the young and the old, operating virtually around the clock, 365 days a year.

Drug Abuse Treatment and Prevention

During the past decade, the nonmedical use of drugs by increasing numbers of people has become an urgent problem. In addition to the familiar alcohol and nicotine, doctors, researchers, and criminal justice professionals have had to become better acquainted with other types of drugs—amphetamines, heroin, and other narcotics, barbiturates, hallucinogens, and antidepressants.

A link between some drugs, particularly heroin, and criminal behavior does exist, although many myths and inaccuracies surround that link. Drug abuse does not automatically cause crime. Many heroin or multidrug users were involved with crime before drug use and would continue their illegal activities whether addicted or not. Many recent heroin-dependent persons have grown up in a subculture in which both criminal and addict lifestyles are common. Crime and addiction can be two sides of the same coin.

The Commission urges the establishment of multimodality drug treatment systems that would provide a comprehensive range of services in communities with a significant number of drug abusers.

REDUCING CRIMINAL OPPORTUNITY

An important assumption throughout the delivery of services section is that the provision of lawful alternatives to crime-satisfying employment and drug abuse treatment, for example—will persuade some persons to abandon or avoid criminal careers. But

as this chapter emphasized at the outset, it is unrealistic to expect an improved delivery of service strategy to be effective in all cases. The Commission believes that protective measures taken by public authorities, commercial establishments, and private homeowners can also play an important role in deterring criminals.

Of all the things a citizen or community can do to reduce crime, the most immediate and most direct approach is to eliminate obvious opportunities for criminals. Locked cars, well lighted streets, alarm systems, and properly designed and secure housing make crime, particularly acquisitive crimes such as larceny, burglary, auto theft, and robbery, more difficult to commit.

IMPLEMENTING COMMUNITY CRIME PREVENTION ACTIVITIES

Many of the programs and activities discussed in this chapter will require financial underwriting. In many instances, sufficient funds should be available at the State or local level, or in the case of many citizen activities, from many private sources.

Under certain circumstances, some crime prevention programs might qualify for support from funds provided by LEAA. LEAA makes its funds available to States, which in turn fund projects at the operational level.

In other circumstances, funds might be available from other Federal agencies, including the Department of Health, Education, and Welfare (HEW). Aid in the form of information, speakers, films, and expert assistance might be available from such agencies as the Special Action Office for Drug Abuse Prevention and the Bureau of Narcotics and Dangerous Drugs, to name only two.

Citizens, groups, and organizations should inform themselves fully about the availability of funds for the particular kind of program they have in mind. Congress has directed how the funds can and cannot be used. In some cases, there may be uncertainty about the propriety of using funds for certain projects.

CONCLUSION

The local community is one of the Nation's most underdeveloped and underutilized crime fighting resources. It is a resource that needs to be utilized by everyone concerned about the incidence of crime in his community.

A community may translate its concern about crime into action through the individual and group efforts of its citizens, through its local institutions such as schools, youth services bureaus, and religious organizations, and through the responsible and responsive efforts of its governing bodies.

Chapter 5

Police

In the decade that just passed the American people witnessed massive riots and demonstrations and experienced widespread fear of crime and personal violence. The people sought answers and demanded solutions.

The police have responded to the call for change. Progress in many areas is evident. Law enforcement agencies throughout the land have taken steps, some small and unsteady, others large and bold, to come to grips with their problems and to assume roles previously shunned by police administrators. These efforts portend more effective police service.

The Commission's recommendations are directed toward increasing the effectiveness of the police in reducing crime. The recommendations and standards recognize the patrolman as the primary force in reducing and preventing crime. They seek to enhance his role. Major recommendations call for:

- Active crime prevention efforts by the police working with the community.
- Diversion of juveniles, drunks, and mental patients from the criminal justice system.
- Use of the patrolman as the primary investigator for crimes which come to his attention.
- Consolidation or elimination of police departments with fewer than 10 full-time police officers.
- Increased use of civilian personnel.
- College education entrance requirements for employment of police officers.
- Legislation authorizing police officers to obtain search warrants by telephone.
- Continuing analysis of crime trends and deployment of special units to react to developing crime trends.
- Establishment of different classifications and pay levels within the basic patrolman category.
- Development of units within police departments to work with prosecutors, courts, and corrections officials and to follow specific cases and individuals through the criminal justice system.

THE POLICE ROLE

Maintenance of order and enforcement of law are the two traditional missions of the police. As society has become more complex, many and varied demands have been put upon the police because of their

unique authority. In developing its recommendations the Commission recognized the many functions which police agencies perform, including:

- Prevention of criminal activity.
- Detection of criminal activity.
- Apprehension of criminal offenders.
- Participation in court proceeding.
- Protection of constitutional guarantees.
- Assistance to those who cannot care for themselves or who are in danger of physical harm.
- Control of traffic.
- Resolution of day-to-day conflicts among family, friends, and neighbors.
- Creation and maintenance of a feeling of security in the community.
- Promotion and preservation of civil order.

These functions represent the core elements in the contemporary role of police. However, controversy exists as to the emphasis which should be placed on each of these functions. The Commission has recognized that local governments and citizens are in the best position to determine their needs, and the ultimate definition of the police role and the degree of emphasis to be placed on each function should be consistent with the laws and needs of the community that is being served.

It also is crucial that the police role be defined within the legal limits of authority. There are numerous laws that set out the authority under which the police must operate. In addition to and in accord with the pertinent law, guidelines should be developed for handling such problems as the resolution of family disputes and neighborhood altercations; the taking into custody of adults and juveniles, alcoholics, drug offenders, and the mentally ill; and the control of civil disorders.

Every police agency should write out a detailed statement of its role. The statement should be consistent with the United States Constitution, the laws of the State or city, and the policies of the government the agency serves. The statement should identify the absolute limitations on the use of force by police and should establish guidelines for the use of discretion in making arrests and maintaining order.

WORKING WITH THE COMMUNITY

The communities of this Nation are torn by racial strife, economic chasms, and struggles between the values of the old and the viewpoints of the young. These circumstances have made it difficult for the policeman to identify with and be identified as part of a community of citizens. As communities have divided within themselves, there has been a breakdown in cooperation between the police and the citizens.

Yet it is a fact that cooperation between the police and the community is the first step in effective crime control. As an essential ingredient to cooperation, every police agency should formally recognize the importance of communication with the public and constantly seek to improve its ability to determine the needs and expectations of the public, to act upon these needs and expectations, and to inform the people of the resulting policies developed to improve the delivery of police services.

The police must obtain information from the community as to its needs, and the public also must be informed of the police agency's roles so that it can better support the police in their efforts to reduce crime. Toward this end, the Commission recommends that:

- Police agencies should participate in educational efforts at the elementary, secondary, and college levels, and in youth programs aimed at improving the community's cooperation with and understanding of the police.
- Agencies should encourage public speaking engagements by police officers and should hold open houses and tours of police facilities.
- Police agencies should publish annual reports and periodical bulletins on significant crime trends and developments in police operations.

Community Relations

The Commission recommends that police agencies in major metropolitan areas establish a specialized unit responsible for maintaining communication with the community. In smaller agencies, the police chief executive should assume direct responsibility for maintaining communications.

Police and the News Media

As long as individual freedom is protected in all cases, agency policy should give the media the right to receive information upon request. There should be a basic presumption that information will be supplied upon request unless the released information would be improper due to court order. Policy should express respect for the news media, their role in a democratic society, and their value to effective police service.

Minority Community Needs

A critically important community problem confronts the police in urban areas with significant minority populations. A disproportionate amount of crime often occurs in these areas. Inhabitants of those areas frequently feel that they have less influence on police enforcement policies and practices than do other community residents. They are not convinced that the police serve them or respect them as citizens.

The Commission recommends that every police agency that has racial or minority groups of significant size in its jurisdiction insure that the needs of minorities are actively considered in the establishment of police policy and the delivery of police service. Affirmative action should be taken to achieve a proportion of minority group employees in an agency that is an approximate proportion of their numbers in the population.

Citizen Grievances

All efforts to establish effective relations with the community will fail if the police agency is not responsive to complaints from the community about general police services and about individual officers.

The Commission recommends that every police agency establish procedures to facilitate full and fair processing of complaints about general police services and about individual officer's conduct. Every person making a complaint should receive written verification that his complaint is being processed by the police agency. Every person who files a complaint should be notified of its disposition and personal discussion regarding this disposition should be encouraged.

Patrol and Crime Prevention

Of all the functions performed by the police, there is none more important than the day-to-day job of the patrol officer. The patrol officer is the community's first line of defense against crime.

In its simplest terms, patrol is the deployment of police officers in a given community to prevent and deter criminal activity and to provide day-to-day police services to the community.

Every police chief should insure that all elements within the agency provide maximum assistance and cooperation to the patrol officer and patrol officers should be relieved of minor tasks in order to increase their capability to reduce crime.

Geographic Policing

The Commission has been encouraged by the efforts of police departments in recent years in developing policing programs that insure stability of assignment of individual patrol officers within a given neighborhood and community. Under these programs, police agencies require patrol officers so assigned to meet on a regular basis with persons who live and work in the area to discuss and identify crime problems and the proper solution to these problems.

The "Basic Car Plan" initiated by the Los Angeles City Police Department and followed by other departments utilizes the geographic policing concept. It has been successful in involving thousands of citizens in a direct effort to make their neighborhood safe and is built on two major premises. The first premise of the program is that an officer assigned to a given area and given primary responsibility for reducing crime in that area can prove more effective than an officer randomly assigned to an area and given no specific crime reduction responsibility. This can be even more true when the patrolman's investigative role is expanded as recommended earlier.

The second premise is that support of citizens living and working in the community is essential for successful policing and is the best method of reducing crime; this support can best be obtained through long-term assignment of officers to a neighborhood and through police efforts to communicate with citizens.

Team Policing

Team policing incorporates the concept of geographic policing and carries it even further. First experiments in team policing took place in Europe and certain aspects of it were recommended in the 1967 President's Commission on Law Enforcement and Administration of Justice. Since the issuance of that commission's report, team policing has become one of the most popular forms of police reorganization and innovation. It has been practiced in different ways in different agencies and has received considerable publicity. However, no definitive study has yet been made of its effectiveness and the changes to be achieved. Total team policing can be defined as:

1. Combining all line operations of patrol, traffic, and investigation into a single group under common supervision;
2. Forming teams with a mixture of patrolmen, investigators, and specialists in such areas as juvenile delinquency and drug abuse;
3. Permanently assigning teams to geographic areas; and
4. Charging the teams with total responsibility for all police services within their respective areas.

Most team policing systems have not taken this total approach, but from the experience of cities that have implemented various aspects of team policing programs, the Commission is satisfied that these programs have a significant potential for crime control.

Police Community Reserves

Many police agencies in this country utilize citizen reserve officers to supplement the regular force of officers. Many reserves are authorized to make arrests and perform all of the routine police functions. Reserves operate on a part-time basis and can be used to provide backup manpower, increase police-community cooperation, and perform many valuable volunteer services.

Diversion

It is becoming increasingly clear that every person need not be arrested and that every person should not be processed through the courts and correction processes. Juveniles, alcoholics, the elderly, the mentally ill, drug users, the physically sick or handicapped frequently need help outside the criminal justice system. The police can and should assist in bringing to light community resources, in opening new avenues of help to people coming to their attention, and in diverting these people out of the criminal justice system.

These efforts have two main advantages: relieving the burdens both on courts and on corrections of processing individuals who could be more appropriately handled outside the criminal justice system, thus freeing valuable criminal justice resources and providing more effective help to the individual. In the case of juveniles, counseling and informal referral are often more effective than formal procedures. Detoxification treatment, therapy, and counseling are clearly more appropriate for alcoholics than traditional confinement and release.

Some police agencies are reluctant to engage in diversion, particularly diversion with referral to welfare agencies. As an example, the vast majority of juveniles taken into custody in 1971 (over 1.2 million) were either referred to juvenile court or handled within the police department and released. Less than 2 percent were referred to welfare agencies.

Diversion does not take place in many departments because police are either not familiar with private and public resources or such resources are simply not available. These problems can and should be corrected by cooperation among police, criminal justice planners, and community officials.

Some agencies eschew diversion in the belief that they will be accused of selective and unequal law enforcement. This difficulty can be avoided, however, if police agencies will develop written criteria specifying who can be diverted and under what circumstances.

Every police agency should establish formal criteria for diverting from the criminal and juvenile justice system all individuals coming to their attention for whom processing into the justice system would be inappropriate or for whom the use of resources outside the criminal and juvenile justice system would be more appropriate.

PLANNING AND ORGANIZING FOR MORE EFFECTIVE LAW ENFORCEMENT

Responsibility for Police Service

Almost all local governments can benefit from some form of combined police service. At one extreme, local government can get out of the police business entirely by contracting for all

police services from another government or agency, or State and local police agencies may simply develop ways to assist and reinforce each other.

Consolidation can frequently upgrade police service and lower its costs. Because it is larger, the consolidated agency usually has superior resources. Because it eliminates much duplication, citizens get more for their money.

It is the view of the Commission that 10 police officers should be considered the minimum level required for an agency to operate as an independent entity.

The facts are as follows: approximately 80 percent of the 25,000 police agencies in the United States have fewer than 10 full-time commissioned officers, yet they account for less than 10 percent of the total full-time police officers in the United States.

Small agencies often are not able to serve their communities efficiently. The Advisory Commission on Intergovernmental Relations in its 1971 Report on State-Local Relations in the Criminal Justice System noted:

Small police departments, particularly those of ten or less men are unable to provide a wide range of patrol and investigative services to local citizens. Moreover, the existence of these small agencies may work a hardship on nearby jurisdictions. Small police departments do not have adequate full-time control in preliminary and investigative services and may require the aid of larger agencies in many facets of their police work. Moreover, lack of adequate basic police services in one locality can make it a haven for criminals and thus impose social and economic costs on the remainder of the metropolitan community.

The Commission recommends that any police agency employing fewer than 10 sworn officers combine with one or more agencies to improve efficiency in delivering police services. In remote areas where there is no nearby local agency, combined or contract programs with county or State agencies should be established.

Education

More than half of the Nation's young people now go on to college. In terms of education norms, an undergraduate degree today is equivalent in prestige to a high school diploma at the turn of the century. Yet most police agencies have failed to take notice of this change and for many agencies the minimum required education level is the same as it was 40 years ago, a high school education.

Police agencies have lost ground in the race for highly qualified employees. College graduates look elsewhere for employment, and police work has often come to be regarded by the public as a second-class occupation. It is ironic that this is taking place when studies are showing that police officers with a college background perform at a significantly higher level than police officers without a college degree.

The Commission recommends that every police agency require immediately, as a condition of initial employment, completion of at least 1 year of education at an accredited college or university and that by 1983, every police agency require, as a condition of initial employment, completion of at least 4 years of college-level education or a baccalaureate degree at an accredited college or university.

It is imperative that police agencies upgrade the educational levels of their present officers as well as their recruits, since many of these officers will be performing police services for some years to come. Police agencies therefore should establish incentives to encourage police officers to achieve a college-level education. Officers' assignments should be made, where possible, to accommodate attendance at local colleges, and financial assistance to defray educational expenses should be provided. Increased pay should be provided for the attainment of specified levels of academic achievement.

Training

There is a serious flaw in the police profession—the insufficiency of initial and inservice training given to most policemen. Perhaps no other profession has such lax standards, or is allowed to operate without firm controls and without licensing.

The average barber receives 4,000 hours of training. The average policeman receives less than 200 hours.

Every State should enact legislation that establishes mandatory minimum basic training of 400 hours for police; that establishes a representative body to develop and administer programs for police; and that establishes financial support for local police training.

This legislation should prohibit any individual from performing the police function unless he is certified as having met the minimum standards.

Women in Policing

The role of women in the police service has been based largely on traditional and often outmoded ideas. Some misconceptions concerning women's ability to perform certain "masculine" tasks have been dispelled as a result of changing social attitudes. The police service should keep abreast of social changes and legal requirements by reexamining the function of female police officers.

Within the past 2 to 3 years, police departments in some major cities have been moving toward using policewomen in all functions performed by the police and particularly in patrol. More and more departments are assigning women to patrol duties and some departments have developed promotional policies requiring that when a vacancy occurs the next eligible person be elevated, regardless of sex.

The Commission recommends that every police agency immediately insure that there exists no agency policy that discourages qualified women from seeking employment as sworn or civilian personnel or that prevents them from realizing their full employment potential.

Agencies should institute selection procedures to facilitate employment of women and should insure that recruitment, selection, training, and salary policies do not discriminate against women.

Use of Civilian Employees

Police agencies traditionally have staffed the majority of positions with sworn police officers. Policemen have been assigned clerical tasks, general maintenance, and even construction duties.

The term "sworn police officers" refers to those individuals in a police department who are authorized to make arrests and who have peace officer status under applicable provisions of State and local laws. Civilian or nonsworn personnel include all other individuals employed by a police department.

Civilian personnel can be an important addition to the operations of a police agency. They can free police from routine tasks for more effective assignment in line operations.

Police agencies should explore all possible uses of civilians and should be innovative in determining the functions they could perform.

COORDINATING WITH OTHER CRIMINAL JUSTICE AGENCIES

Success in protecting society is not measured by the length of time it takes the police to respond to a crime scene, by the number of arrests they make, or by the number of arrestees successfully prosecuted or sentenced. Rather, success or failure is determined by the degree to which society is free of crime and disorder.

This is but another way of saying that no element of the criminal justice system completely discharges its responsibility simply by achieving its own immediate objectives. The police, the prosecutor, the courts, and probation, parole, and correction

agencies must cooperate with each other if the system is to operate effectively. This requires an effort on the part of each element to communicate with the other elements, even though this is sometimes difficult because of legal and administrative separation of powers and responsibilities.

Formal Consultation with Other Criminal Justice Agencies

Among the agencies in the criminal justice system, the police are in the best position to observe the tangible effects of crime on the victim and possible disruption of order. It is rare, however, for the police to be consulted formally by other criminal justice elements attempting to arrive at decisions about screening, diversion, plea negotiation, probation, or parole.

Information from the police regarding such matters as the effect of crimes upon the victims and the likelihood of future crimes by an arrested individual or convicted offender should be made available to and utilized by other criminal justice agencies for reference in making screening, diversion, plea negotiation, sentencing, and parole recommendations. Uniform standards and procedures should be established for making such recommendations.

Summons in Lieu of Arrests

The 1970 National Jail Census, conducted by the U.S. Bureau of the Census for the Law Enforcement Assistance Administration, found that on a given day more than 50 percent of those in the Nation's jails were awaiting trial.

These numbers can be significantly reduced and the criminal justice system better served if police issue citations in lieu of physical arrest and detention to require a person to attend a court hearing. In Oakland, Calif., for example, more than 10,000 misdemeanants have been issued citations in lieu of arrest by police since 1970 and recent figures show a failure-to-appear-at-trial rate of less than 5 percent.

The Commission recommends that every police agency issue, where legal and practical, written summons and citations in lieu of physical arrest. Police should establish procedures to seek out expeditiously and take into custody individuals participating in these programs who fail to appear in court.

CONCLUSION

Police decisions—whether to arrest, to make a referral, to seek prosecution, or to use force—have profound and visible effects. Many of these decisions must be made within the span of a few moments and within the context of the most aggravated social problems. Yet the police officer is just as accountable for these decisions as any other public official.

The Commission's standards are designed not only to make police decisions more rational, but also to make them more understandable to the average citizen. The standards are based on the broad currents of reform generated by other professional and governmental efforts.

Chapter 6

Courts

The criminal court system in the United States, which should bring swift and sure justice, has broken down under the burden of increased business while trying to operate under outmoded procedures.

The Commission, in its research and deliberations, sought to identify the underlying causes of the breakdown and to propose standards that provide realistic, meaningful solutions to the problems that plague the courts and that will be instrumental in reducing crime in the United States. Before discussing specific solutions, the complexities of the problems and the role and function of the criminal courts need to be defined.

Within the criminal justice system, the criminal court system ideally should perform the following functions:

- Swiftly determine the guilt or innocence of those persons who come before it.
- Sentence guilty offenders in such a way that their rehabilitation is possible, and that others are deterred from committing crimes.
- Protect the rights of society and the offender.

What problems cause the courts to fall short of the ideal? The Commission sees them as inconsistency in the processing of criminal defendants, uncertainty as to the results attained, unacceptable delays, and alienation of the community.

To many observers, it appears that the court processes produce inconsistent treatment in similar cases. They observe that a few defendants go to trial while the vast majority "cop pleas" to lesser charges, are placed in treatment programs without prosecution, or are handled by other nontrial procedures. The system thus appears to be unequal and suspect.

Delay in the judicial process is harmful to both the accused offender and to society at large. Delay also results in unavailable witnesses, forgotten circumstances, and dismissal of prosecutions because the defendant did not receive the speedy trial guaranteed by the Constitution.

A special poll conducted for Newsweek magazine by the Gallup organization found that many Americans have little faith in their courts:

“It’s not the courts of justice any more.”

“Lawyers use every loophole to free the guilty and the innocent suffer more than the lawbreakers.”

“Convicted criminals are let off easily. I don’t think all people are treated fairly by the law. The judges, the juries and the lawyers are biased.”

Some criticism of the court system is well taken, as the studies of the Commission made clear and this report strives to reflect. Other criticism, however, stems from a lack of information. Many of the processes followed by judges, prosecutors, and defenders are not visible to the public. Policies, if they exist, are not published. Public perceptions of the court system are gained through the news media or through infrequent service as jurors or witnesses. Valid judicial decisions, when announced without explanation of the legal basis or rationale, are a constant source of public concern and generate further criticism.

MAJOR RECOMMENDATIONS

The need to avoid unnecessary delay in criminal processing from arrest to final appeal is emphasized throughout this chapter and in the Commission’s Report on Courts. But efficiency and speed are not advocated to the detriment of just and equitable treatment for every person coming within the jurisdiction of the Nation’s judicial system. Accordingly, the Commission’s major proposals call for:

- Establishment of objective criteria for screening.
- Diversion of certain offenders into noncriminal programs before formal trial or conviction.
- An end to the practice of plea negotiation.
- Elimination of inefficient and unnecessary pretrial proceedings.
- Pretrial processing period not to exceed 60 days from arrest to trial in felony cases and 30 days in misdemeanor cases.
- Affording every convicted offender the opportunity to obtain full and fair judicial review of his conviction.
- Abolition of the trial de novo system.
- Unification of all trial courts within a State into a single court of general jurisdiction, under administrative authority of the State’s highest appellate court.
- Establishment of a State court administrator responsible for setting policies for the administration of the entire State court system.

- Employment of qualified full-time prosecutors provided with the necessary personnel, fiscal resources, and support services.
- Provision of public representation to all eligible defendants from arrest to exhaustion of all avenues of relief from conviction.
- Improvement of court-community relations.
- Establishment of family courts to handle juvenile cases.
- Reform of juvenile handling procedures.

PRIORITIES

The Commission has assigned priorities to the standards, according to the importance of each in reducing crime.

First priority is given to the standards dealing with the litigated case and the review of trial court proceedings. Attaining speed and efficiency in the pretrial and trial processes and achieving prompt finality in appellate proceedings should result in increased deterrence of crime and earlier and more effective rehabilitative treatment of offenders.

As a second priority, the Commission believes that the prosecution and defense functions must be upgraded. The public prosecutor must be able to perform fairly and adequately the screening, diversion, plea negotiation, and case preparation duties of that office. Similarly, a public defender must have the ability and the resources to handle his clients fairly and competently. High caliber personnel in both these functions would help reinforce public faith in the American system of justice.

Third priority should go to insuring the high quality of the judiciary. Again, competent and dedicated judges would insure the proper functioning of the court system and upgrade that system in the minds of the public.

COURT PROCEDURES AND PROCESSES

Uncertainty, inconsistency, and delay in the court system frequently have their origin in outmoded or inappropriate procedures and processes. The Commission, therefore, believes that major changes must be made in pretrial, trial, and appellate processes. Two objectives, reducing criminal caseloads and ensuring a fair disposition of cases, are the motivating forces behind the Commission's proposed reforms.

Reducing Caseload

Achieving efficiency in the criminal court system involves more than setting time limits. Decriminalization, screening, and diversion are important methods of reducing caseloads. The

PLEA NEGOTIATION

In many courts in this country, more than 90 percent of criminal convictions are obtained by pleas of guilty, not by the verdict of the jury or the decision of a judge.

Many of these guilty pleas are the result of an express agreement between the defendant and the prosecution, in which the charge and the sentence are negotiated in a process of mutual advantage-taking.

In the past 10 years more and more prosecutors have come to rely upon plea negotiation to dispose of the vast majority of their cases. This is in part attributable to the dramatic increase in the amount of crime reported to the police and prosecuted in the courts. The large metropolitan courts are inundated and have unmanageable backlogs of criminal cases. The resources for prosecution, defense, and the courts simply are not adequate for handling these cases. The prosecutor with a serious case backlog and limited resources to try cases is faced with the prospect of negotiating a plea or dismissing the case.

Further, in many large cities, persons accused of crime are anxious to plead guilty rather than languish in jails for months awaiting trial. Often the time spent awaiting trial is longer than the sentence. Consequently, there is a tendency, especially among the poor and ignorant, whether innocent or guilty, to plead guilty, start serving time and get out of jail quickly. Persons receiving this treatment understandably may lose their faith in the criminal justice system. This distrust is carried over into society through their families and associates.

Despite the dangers posed by plea negotiations, many experts have concluded that plea negotiation is inevitable, desirable, or both, and that efforts should be directed at improving rather than eliminating the practice. The Commission does not agree.

In the view of the Commission, the high volume of court business and the lack of resources should not and need not cause the perpetuation of undesirable practices. Neither is the plea bargain necessary to avoid the harshness of some laws or to obtain the informant's cooperation.

The experience in Philadelphia, Pa., illustrates methods of handling large caseloads without undue plea negotiation. In Philadelphia the criminal backlog has been steadily reduced in recent years from its 1965 peak. The reduction in backlog has been made possible by careful screening and diversion of cases and by a streamlined trial process. It has been achieved in the face of a firm policy against wholesale disposition through plea negotiation. Contrasted with some other major American cities where more than 90 percent of the cases are concluded by guilty pleas, Philadelphia has disposed of only 32 percent of its cases through the guilty plea. The Philadelphia experience is substantial evidence that American court systems can function effectively without heavy reliance on the negotiated plea.

It should be clear that the Commission does not condemn the entry of guilty pleas. There is a distinction between negotiation of a plea in which the prosecution makes some concessions and the entry of a plea where there are no reasonably contestable issues.

Further, if prosecutors and defense attorneys were convinced that plea bargaining would not occur, the charges filed by prosecutors would correspond more closely to what the prosecutor reasonably thinks he can and should get as a result. (This is often not the case today.) If the defendant and his attorney agree that this is the likely result—as the Commission believes will more often be the case than under existing practice—they can and should enter a plea of guilty. If they do not agree that this is the likely result, they can and should litigate the disagreement.

The Commission flatly rejects the idea that plea negotiations are needed to give flexibility to the criminal justice system and to avoid unjustifiably harsh provisions of substantive law. This Commission has recommended a reasoned, rational penalty structure. Further, if there appears to be a harsh effect, a prosecutor can alleviate the problem in his selection of initial charge. To the extent that greater flexibility is desired, it should be made available as a matter of formal law, either by changes in the definitions of substantive crimes or in a modification of dispositional alternatives available to sentencing courts.

PRETRIAL PROCEEDINGS

Pretrial delay has been the subject of considerable writing and litigation. Commission review of the problem identified several factors which contribute to pretrial delay. These are:

- Failure to present arrested persons promptly before a judicial officer. This in turn delays appointment of counsel, bail setting, and scheduling of other processes by the court.
- Use of preliminary hearings as evidence discovery devices and the concomitant failure to initiate informal evidence discovery without resort to formal pretrial motions.
- Use of grand jury indictment processes which do not justify the delay and inconvenience inherent in the use of a grand jury.
- Formal arraignment procedures which only duplicate the present process after grand jury indictment.
- Excessive filing of formal pretrial motions practice which could be avoided by rules for mutual discovery and omnibus pretrial hearings.

The Commission recommends that steps be taken immediately to eliminate inefficient and unnecessary pretrial proceedings or procedures and speed up pretrial processing so that the period from arrest to the beginning of trial of a felony generally should not be longer than 60 days. In a misdemeanor prosecution, the period from arrest to trial generally should be 30 days or less.

The Commission recommends that:

- In misdemeanor prosecutions, preliminary hearings should be eliminated.
- Grand jury indictment should not be required for any criminal prosecution, but the grand jury should be retained for its investigative functions.
- An arrested person should be brought before a judicial officer within 6 hours after arrest.
- The preliminary hearing in felony cases should be held within 2 weeks after arrest, with evidence limited to that relevant to a determination of probable cause.
- Formal arraignment (as distinguished from presentment) before a judicial officer should be eliminated.
- Disclosure of prosecution evidence to the defense in felony proceedings should take place within 5 days after the preliminary hearing and disclosure of most defense evidence to the prosecution should immediately follow resolution of pretrial motions. Strict rules should limit the admissibility at trial of undisclosed evidence.

TRIALS

Although most public attention has been directed to pretrial delay, valuable time also is wasted during the actual trial of many cases. This not only prolongs the final disposition of the case on trial, but also ties up court facilities and personnel, preventing the trial of other cases. In a recent trial, 4 months were consumed selecting a jury; 1,035 prospective jurors were examined in the process. Less spectacular-but more frequent-delays result from early adjournments of court during routine trials, preparation of instructions, and similar matters. Similarly, there is substantial delay in the sentencing process.

The standards recommended by the Commission are directed toward insuring a fair and impartial trial while obtaining maximum utilization of all resources.

In every court where trials of criminal cases are being conducted, daily sessions should commence promptly at 9 a.m. and continue until 5 p.m. unless business before the court is concluded at an earlier time and it is too late in the day to begin another trial.

The Commission also recommends that:

- Only the judge should conduct examinations of prospective jurors, and that the number of challenges to jurors' qualifications to serve should be strictly limited.
- Juries of fewer than 12 but at least 6 persons should be employed in cases not punishable by life imprisonment.
- Opening statements to the jury should be limited to a clear, concise, nonargumentative statement of the evidence to be presented.

- Evidence admitted should be limited to that which is directly relevant and material to the issues being tried.
- Instructions to juries should be standardized to the extent possible and clearly conveyed to the jury.
- With a view toward the development of future standards, studies should be made of the use of the exclusionary rule and of the use of video-taped evidence.

REVIEW OF THE TRIAL COURT PROCEEDINGS

Because of the social stigma and loss of liberty associated with a criminal conviction, many people believe that determining guilt and fixing punishment should not be left to a single trial court. The interests of both society and the defendant are served by providing another tribunal to review the trial court proceedings to insure that no prejudicial error was committed and that justice was done. Review also provides a means for the ongoing development of legal doctrine in the common law fashion, as well as a means of insuring evenhanded administration of justice throughout the jurisdiction. Functionally, review is the last stage in the judicial process of determining guilt and fixing sentence. Like the trial proceeding, it should be fair and expeditious.

The review stage, like other aspects of the criminal process, is in trouble. Several decades ago appeals were taken only in a minority of cases, and collateral attacks on convictions were relatively rare. Today, in some jurisdictions more than 90 percent of all convictions are appealed, and collateral attack is almost routine in State and Federal courts. Courts are handling appeals under procedures used for the past hundred years. The process is cumbersome, fragmented, and beset with delay. Both State and Federal courts are threatened with inundation. Even now, the vast increase in workload is making it increasingly difficult for appellate courts to give to substantial questions the careful, reflective consideration necessary to the development of a reasoned and harmonious body of decisional law.

For a State criminal case, review may have as many as 11 steps, some of which can be repeated. Although not every case goes through each of these steps, they are all potentially available, and it is not uncommon for a defendant to pursue four or five.

The result of these limitations and fragmentations is a drawn out, almost never-ending review cycle. This in turn brings the criminal process into public disrepute and leaves convicted defendants with feelings of injustice mixed with illusory hopes that another round of review will overturn the conviction.

What is needed, in the view of the Commission, is not merely an effort to accelerate the existing review machinery. Rather, it is necessary to experiment with restructuring the entire process of review.

The Commission believes that there should be a single, unified review proceeding in which all arguable defects in the trial proceeding can be examined and settled finally, subject only to narrowly defined exceptional circumstances where there are compelling reasons to provide for a further review.

This is a far-reaching and controversial proposal but the Commission recommends it as a reasonable response to an escalating problem.

The Commission recommends that every convicted defendant be afforded the opportunity to obtain one full and fair judicial review of his conviction and sentence by a tribunal other than that by which he was tried or sentenced. Review in that proceeding should extend to the entire case, including errors not apparent in the trial record that might heretofore have been asserted in collateral attacks on the conviction or sentence.

The reviewing court should have a full-time professional staff of lawyers, responsible directly to the judges. The function of this staff would be to supplement the work of the attorneys representing the prosecution and defense in each case.

Review procedures should be flexible so as to afford the greatest possible fairness, expedition, and finality. The court also should have the authority to confirm a conviction despite the existence of error if to do so would not amount to a miscarriage of justice.

A criminal case should be ready for initial action by the reviewing court within 30 days after the imposition of sentence. Cases containing only insubstantial issues should be finally disposed of within 60 days of imposition of sentence. Cases presenting substantial issues should be finally disposed of within 90 days after the imposition of sentence.

The Commission further recommends that funds be devoted to technological innovation in the field of transcript production, such as computer-aided stenotyping, sound recording, and video-taping, in order to expedite preparation of the trial record for review purposes.

COURT ORGANIZATION AND ADMINISTRATION

Essential to efficient "management and administration of judicial resources" is the unified court system. Centralized administrative authority is the unified court system's most important feature.

Under a unified court system, issues which are systemwide in nature may be resolved in a uniform fashion; for example, the establishment of general rules of procedure, judicial training programs, and information systems. Temporary transfer of personnel to meet changes in workloads is also made possible by a unified court system.

Progress towards complete unification varies from State to State. Lower courts, which process minor criminal offenses and city and county ordinance violations, are often the last to come under State organization and administration. In most cases, there is no coordination of lower courts within the same State. It is not unusual, for example, for a rural justice of the peace to have little or no work while a nearby municipal judge must hold evening sessions to keep his calendar current.

The Commission believes that all courts in a State should be organized into a unified judicial system financed by the State and administered by a statewide court administrative judge under the supervision of the chief justice of the State supreme court. This fully unified court system should consolidate all trial courts into a single court of general jurisdiction. All courts within a State would be unified under the administrative authority of the State's highest appellate court.

A matter of high priority in any reexamination of court processing of criminal defendants is court administration—the management of the nonjudicial business of the court.

Court management and administration has as its goal relieving judges of some nonjudicial functions and enhancing their performance of judicial functions.

Although court administration is one of the newer fields of public administration, it has already proved itself to be a valuable tool in maximizing the efficiency of the courts.

The Commission recommends that each State have a State court administrator responsible for establishing policies for administration of the entire State court system, including budgets, personnel, information compilation and dissemination, fiscal operations, court system evaluation and remediation, assignment of judges, and external liaison. The court administrator should establish operational guidelines for local and regional trial court administrators.

IMPROVING THE QUALITY OF THE PROSECUTION, DEFENSE, AND JUDICIARY

A system is only as good as the people who work within it. The quality of personnel working in the courts' system is particularly important since it has a direct impact on the quality of justice.

Significant efforts must be made to upgrade and make more professional the performance of prosecution, defense, and judicial personnel.

Prosecution

The prosecutor occupies a critical position in the criminal justice system. His office combines legal, administrative, and judicial functions which require experienced, professional personnel and a rational and efficient organizational structure. Efforts to deal with the problem of crime in America are unlikely to be successful if prosecutors' offices are poorly funded, understaffed, and ineffective.

The personnel policies, size, and organization of many prosecutors' offices are not conducive to meeting the complex demands of the criminal justice system. Most of the Nation's 2,700 prosecutors serve in small offices and have only one or two assistants. Frequently, both prosecutor and assistants are part-time officials who have outside law practices. The salaries of prosecutors and their assistants are still considerably lower than those of private practice lawyers with similar background and experience.

Defense

The task of providing legal defense representation for those accused of a crime has grown tremendously, in part because of the increased functions that defense counsel must perform as a matter of constitutional mandate. The right to representation at trial no longer is confined to those defendants charged with more serious criminal offenses. In Argersinger v. Hamlin, 407 U.S. 25 (1972), the U.S. Supreme Court held that no indigent person may be incarcerated as the result of a criminal trial at which he was not given the right to be represented by publicly provided defense counsel.

In considering the provision of defense services to those accused of a crime, the Commission addressed itself almost entirely to the provision of defense services at public expense. This was done because most defense services are provided by public representation and because there is substantial controversy over the adequacy of public representation.

The best available estimates are that about 60 percent of felony defendants, and 25 to 50 percent of misdemeanor defendants, cannot pay anything toward their defense, and therefore must be represented at public expense. However, the proportion of defendants who are actually represented at public expense varies from jurisdiction to jurisdiction.

With respect to the adequacy of public representation, there has been public criticism. For example, the Administrative Office of the United States Courts issued a report in 1969 that showed that defendants who could not afford private counsel received much harsher sentences than those who had privately retained counsel.

The Commission recommends that each eligible defendant be provided public representation from arrest until all avenues of relief from conviction have been exhausted.

Each jurisdiction should maintain a full-time public defender organization and a coordinated assigned counsel system involving the private bar, and should divide case assignments in a manner that will encourage participation by the private bar. The standard for eligibility for public representation should be based upon ability to pay for counsel without substantial hardship. Defendants should be required to pay part of the cost of representation if they are able to do so.

The Judiciary

The role of the judiciary in the Nation's efforts to reduce crime is to provide a system of unquestioned integrity and competence for settling legal disputes. If the courts are to fulfill this role, the judicial processes must use effective and up-to-date management methods. In addition, the courts must strive to preserve the American heritage of freedom and to deal thoroughly with all cases that come before them—no matter how minor or routine they may be. Procedures and court systems can be no better than the judges who administer the procedures and render the decisions.

Unless the courts reflect all of these qualities, they will be viewed with disdain, fear, or contempt. Such attitudes are incompatible with the respect for law essential to a free society.

The Commission believes that courts exercising criminal jurisdiction meet these criteria inadequately, and that the American public shares this view. The inadequate quality of some judicial personnel, especially those who exercise trial jurisdiction, is partly responsible for this situation. Rules and methods also are important, but they cannot insure a highly regarded system. Judges exercise enormous discretionary power and trial judges function with almost no direct supervision. The quality of judicial personnel thus is more important than the quality of the participants in many other systems.

The Commission views the selection process as a matter needing attention, but it also believes that other aspects of the court system contribute to the poor quality of judicial personnel. Inadequate compensation is one factor. Judicial tenure also may account for some difficulty in obtaining and retaining capable judicial officers.

These factors—selection, compensation, and tenure—relate primarily to the need to maintain high quality judges. A somewhat different aspect of the problem concerns the behavior of judges. The public loses confidence in the court system when it sees examples of gross misconduct or obvious incompetence, especially when no remedial action is taken. But even if a trial judge commits no overt act of misconduct, his demeanor can have a significant impact upon the public's opinion of the courts.

There is a need for a more effective system of discipline and removal to deal with misbehavior and incompetence among the judiciary. In less extreme situations, the Commission sees the problem as one of inadequate judicial education. The need is not for a means of imposing sanctions on offending judges but rather for a means of developing programs of educating judges and of sensitizing them to the fact that their behavior affects the entire criminal justice system.

The Commission recommends that judges be nominated by a judicial commission appointed by the Governor, and that judges stand for periodic uncontested elections in which they run against their record. The judicial commission should consist of private nonlawyer citizens and members of the legal profession.

The Commission further recommends that:

- Retirement at age 65 should be mandatory, but retired judges should be assigned to sit for limited periods at the discretion of the presiding judge of the jurisdiction.
- State and local judges should be compensated at rates commensurate with salaries and retirement benefits of the Federal trial judiciary. When appropriate, salaries and benefits should be increased during a judge's term of office.
- A judicial conduct commission staffed by judicial, legal, and lay members should be established and empowered to discipline or remove judges for sufficient cause.
- Every State should establish and maintain a comprehensive program for continuing judicial education. Participation in the program should be mandatory.

COURT-COMMUNITY RELATIONS

Because court operations are subject to public scrutiny, court-community relations inevitably exist. The quality of these relations relates directly to the courts' ability to perform their functions effectively. A law-abiding atmosphere is fostered by public respect for the court process. Public scrutiny should not result in public dissatisfaction.

Court-community relations cannot and should not be avoided. The Commission believes that favorable court-community relations cannot be accomplished without a vigorous and well-planned program to insure that courts deserve to be and are, in fact, perceived favorably by the public.

Another area of deficiency involves the methods and procedures by which witnesses are used. Witnesses often are required to make appearances that serve no useful purpose. Police officers, for example, often must be present at a defendant's initial appearance, although they serve no function at this proceeding.

JUVENILES

The general rise in crime throughout the United States in the last decade has brought increasing burdens to all courts, particularly the juvenile courts. In 1960, there were 510,000 delinquency cases disposed of by juvenile courts; in 1970 there were 1,125,000 delinquency cases disposed of by juvenile courts.

The question is whether or not the present juvenile court system is an effective method of controlling juvenile crime. Throughout the country, the juvenile courts vary widely in structure, procedure, and quality. In the main, however, they reflect an understanding that special treatment for the young offender is desirable.

After considerable study, the Commission concurs that the juvenile offender should have special treatment. However, the present juvenile court systems are not providing that special treatment in an adequate, fair, and equitable manner.

The Commission believes that major reform of the juvenile justice system is needed. The juvenile justice system has not obtained optimum results with young people on their first contact with the system. Further it is the conclusion of the Commission that juvenile courts must become part of an integrated, unified court system; that the jurisdiction of the juvenile courts must be narrowed and that the relationships between the courts and juvenile service agencies must be broadened in a manner which maximizes diversion from the court system. In addition there must be reform of the procedures for handling those juveniles who are referred to court.

Reorganization of Juvenile Courts

The existence of the juvenile court as a distinct entity ignores the causal relationship between delinquency and other family problems. A delinquent child most often reflects a family in trouble—a broken family, a family without sufficient financial resources, a family of limited education, and a family with more than one child or parent exhibiting antisocial behavior. The family court concept as now utilized in New York, Hawaii, and the District of Columbia permits the court to address the problems of the family unit, be they civil or criminal.

Further, in the past juvenile courts have, by their jurisdictional authorization, intervened in areas where alternative handling of the juvenile is more successful. It is the view of the Commission that the delinquent child—the child who commits an offense which would be criminal if committed by an adult—should be the primary focus of the court system.

The Commission recommends that jurisdiction over juveniles be placed in a family court which should be a division of a trial court of general jurisdiction. The family court should have jurisdiction over all legal matters related to family life, including delinquency, neglect, support, adoption, custody, paternity actions, divorce, annulment, and assaults involving family members. Dependent children—those needing help through no fault of their parents—should be handled outside the court system.

Intake, Detention, and Shelter Care

There are a number of studies which suggest that many children mature out of delinquent behavior. If this is true, the question is whether it is better to leave these persons alone or put them into the formal juvenile justice system. Because there are no satisfactory measures of the effectiveness of the juvenile justice system, there is a substantial body of opinion which favors "leaving alone" all except those who have had three or four contacts with the police.

Each jurisdiction should consider this phenomenon, conduct studies among its juveniles charged with delinquent behavior, and establish intake criteria. Each court system should have an intake unit which should determine whether the juvenile should be referred to court. This intake unit should have available a wide variety of informal dispositions including referral to other agencies, informal probation, consent decrees, etc. In addition, the intake unit should have criteria for determining the use of detention or shelter care where formal petitions are filed with the court.

The Commission recommends that each family court, in accord with written criteria, create an intake unit which should determine whether the juvenile should be referred to court or dealt with informally, and should determine whether the juvenile should be placed in detention or shelter care. In no event should a child be detained for more than 24 hours pending determination of the intake unit.

Adjudication and Disposition of Juveniles

A juvenile charged with an act which, if committed by an adult, would be a criminal offense is by law entitled to most of the procedures afforded adult criminal defendants. The juvenile is entitled to:

- Representation by counsel.
- The privilege against self-incrimination.
- Right to confront and cross-examine witnesses.
- Admission of only evidence which is competent and relevant.
- Proof of the acts alleged beyond a reasonable doubt.

There remains some question as to whether juveniles should be afforded jury trials. After consideration of McKeiver v. Pennsylvania and the rationale therein, this Commission concludes that the State as a matter of policy should provide non-jury trials for juveniles. The theoretical protections of a jury trial are outweighed by the advantages of informality, fairness, and sympathy which the traditional juvenile court concept contemplates.

The Commission noted, however, that where the adjudication of delinquency is in a nonjudicial forum, provision must be made for separation of the adjudication and the disposition. The disposition hearing should be separate and distinct so that the determination of guilt will not be tainted by information that should be considered in making a decision on the appropriate rehabilitative program, including the past involvement of the juvenile with the criminal justice system.

During adjudicatory hearings to determine guilt or innocence, the juvenile should have all of the rights of an adult criminal defendant except that of trial by jury.

The disposition hearing to determine a rehabilitative program for the juvenile should be separate and distinct from the adjudicatory hearing and should follow, where feasible, the procedure recommended for the sentencing of convicted adult offenders.

Chapter 7

Corrections

The American correctional system today appears to offer minimum protection for the public and maximum harm to the offender. The system is plainly in need of substantial and rapid change.

Figures on recidivism make it clear that society today is not protected—at least not for very long—by incarcerating offenders, for many offenders return to crime shortly after release from prison. Indeed, there is evidence that the longer a man is incarcerated, the smaller is the chance that he will lead a law-abiding life on release.

There is also evidence that many persons in prison do not need to be there to protect society. For example, when the Supreme Court's Gideon decision(1) overturned the convictions of persons in the Florida prison system who had not had an attorney, more than 1,000 inmates were freed. Such a large and sudden release might be expected to result in an increase in crime. To check this hypothesis, two groups of inmates released at the time were matched on the basis of individual characteristics. The one significant difference was that one group of prisoners were released as a result of the Gideon decision and the other group at the expiration of their sentences. Over a period of 2-1/2 years, the Gideon group had a recidivism rate of 13.6 percent, and the other group had almost twice that rate, 25.4 percent.

There is substantial evidence that probation, fines, public service requirements, and restitution are less costly than incarceration and consistently produce lower rates of recidivism after completion of sentence.

There is also in this country a growing concern for the widespread abuses in the correctional system. Within the past decade, courts have intervened in prison management. Whole State prison systems have been declared unconstitutional as violating the eighth amendment's prohibition against cruel and unusual punishment. In other cases, courts have ruled that prisoners' civil rights have been violated.

The scrutiny of the courts has extended also to local jails and to those forgotten people of the criminal justice system—persons detained awaiting trial. Federal Judge Zirpoli of the Northern District of California felt compelled to visit the unit of the Alameda County jail where plaintiffs were detained prior to trial. "The shocking and debasing conditions which prevailed there constituted cruel and unusual punishment for man or beast. . . the court's inescapable conclusion was that Greystone should be razed to the ground."

The pressures for change in the American correctional system today are intense; it is clear that a dramatic realignment of correctional methods is needed. The Commission has made many recommendations towards that end, including:

- Enactment of laws clearly defining prisoners rights, rules of conduct, and disciplinary and grievance procedures to be followed by correctional authorities in dealing with offenders.
- Repeal of legislation that deprives ex-offenders of civil rights and opportunities for employment.
- Elimination of disparate sentencing practices.
- Increased diversion out of the criminal justice system for certain types of offenders.
- Unification within the executive branch of all non-Federal correctional functions and programs for adults and juveniles.
- Active recruitment of corrections personnel from minority groups and among women and ex-offenders.
- Payment of competitive salaries to corrections personnel.
- Recruitment of volunteers, including ex-offenders, for correctional programs.

PRIORITIES FOR ACTION IN CORRECTIONS

Recognizing the inadequacies of the Nation's correctional systems, the Commission identified six goals toward which corrections must move with speed and determination. Top priority must be given to action that will achieve these ends:

- Equity and justice in corrections.
- Narrowing of the base of corrections by excluding many juveniles, minor offenders, and sociomedical cases.
- Shift of correctional emphasis from institutions to community programs.
- Unification of corrections and total system planning.
- Manpower development.
- Greater involvement of the public in corrections.

EQUITY AND JUSTICE IN CORRECTIONS

Corrections in the United States often has been—and in some areas still is—characterized by inhumane treatment of prisoners. Personnel in various correctional programs have made arbitrary and discriminatory decisions and exhibited a disregard for law. American society cannot tolerate such conditions. Moreover, it is illogical to try to train lawbreakers to obey the law in a system that does not itself respect law.

Further, correctional institutions too often are impeded by the sentencing practices of the courts. The disparity of sentences, as well as their length, determine the extent to which an offender may be rehabilitated. Rehabilitation is rarely achieved unless the offender perceives some justification for his sentence and sees his sentence as equitable—at least in terms of sentences imposed on fellow prisoners.

The Commission, in an effort to achieve equality and justice, thus offers two groups of recommendations relating to offenders' rights and sentencing practices.

Rights of Offenders

Convicted offenders should retain all rights that citizens in general have, except those rights that must be limited in order to carry out the criminal sanction or to administer a correctional facility or agency.

Other Commission standards deal with the discretionary power which correctional authorities exercise over offenders and how that power is to be regulated and controlled. The Commission recognizes that correctional agencies must have discretionary power, but this power must not be used arbitrarily or capriciously.

Toward this end the proper foundation for disciplinary action is a code which specifies prisoner behavior and which is easily understood. Many codes in use today are stated in terms that call for subjective and often unprovable judgments, such as prohibitions against being "untidy" or "insolent." Often the code is not explained to offenders in terms they understand.

Rules of conduct should be limited to dealing with observable behavior that clearly can be shown to have an adverse effect on the individual or corrections agency, with a full explanation to all offenders concerned.

Each correctional system should have a trained person whose major function is to act as ombudsman. He should hear complaints of both inmates and employees and initiate changes to remedy justified grievances.

Recent court decisions have made clear that prisoners, pre-trial detainees, probationers, and parolees have continuing rights under the first amendment. Rights to expression and association are involved in:

- Exercise of free speech.
- Belonging to and participating in organizations and engaging in peaceful assemblies.
- Exercise of religious beliefs and practices.
- Preserving identity through distinguishing clothing, hairstyles, and other items of physical appearance.

Offenders should have the right to correspond with anyone and to send and receive any material that can be lawfully mailed, without limitation on volume or frequency. Correctional authorities should have the right to inspect incoming and outgoing mail for contraband but not to read or censor mail.

Except in emergencies such as institutional disorders, offenders should be allowed to present their views to the communications media through confidential and uncensored interviews with media representatives, uncensored letters and other communications with the media, and publication of articles and books on any subject.

Several recent court decisions have recognized both the public's right to know and the offender's right to tell. Moreover, if correctional authorities are willing to allow inmates more access to the public, the Commission believes they will help to lower the walls of isolation that corrections has built around itself. To build public support, correctional authorities should support public awareness of the needs of the institutions and their inmates.

Potential denial of an offender's rights does not end with the completion of his sentence. All States apply indirect sanctions to the ex-offender and most deny him the right to vote, to hold public office, and to serve on a jury. Even more important to him from an economic standpoint is the widespread practice of denying an ex-offender a license to practice occupations regulated by government. The list of such occupations is long, ranging from barber to psychiatrist.

States should adopt legislation to repeal all mandatory provisions in law or civil service regulations that deprive ex-offenders of civil rights and opportunities for employment. Each State legislature also should enact a code of offenders rights. The sentencing court should have continuing jurisdiction over the sentenced offender during the term of his sentence.

Sentencing

Sentencing practices of the courts are of crucial importance to corrections. The sentence determines whether a convicted offender is to be confined or be supervised in the community and how long corrections is to have control over him.

If the offender is to benefit from time spent under sentence, it is essential that he feel his sentence is justifiable rather than arbitrary. The man sentenced to 10 years who shares a cell with a man convicted of the same offense under similar circumstances and sentenced to 5 years, works against a handicap of bitterness and frustration. Such feelings must be accentuated if the men are of different races, or if one had money to hire a lawyer and the other did not.

Sentencing councils should be established, in which judges in multijudge courts would meet to discuss cases awaiting sentences in order to assist the trial judge in arriving at an appropriate sentence. Appellate review of sentencing decisions should be authorized.

In addition, the Commission recommends the following to achieve greater equity and less disparity:

- Sentencing courts should hold a hearing prior to imposition of sentence, at which the defendant should have the right to be represented by counsel and to present arguments as to sentencing alternatives.
- Whenever the court feels it necessary—and always where long-term incarceration is a possible disposition—a full presentence report on the offender should be in the hands of the judge before the sentencing hearing.
- Sentencing courts should be required to make specific findings and state specific reasons for the imposition of sentence.

A root cause of the disparity in sentencing in the United States is inconsistency in penal codes. The American Bar Association in a study of sentencing alternatives noted that in one State a person convicted of first-degree murder must serve 10 years before he becomes eligible for parole, while one convicted of second-degree murder may be forced to serve 15 years.

Many States now are undertaking massive revisions of their criminal codes that should eliminate some sentencing discrepancies.

In revising their criminal codes, the Commission recommends that States adopt a sentencing structure based on a 5-year maximum sentence unless the offender is in a special category of "persistent," "professional," or "dangerous" offenders. At present sentences are harsher in the United States than in any other Western country. This stems partly from the high maximum sentences authorized by law. To insure that the dangerous offender is removed from society, legislatures have in effect increased the possible maximum sentence for all offenders. This dragnet approach has resulted in imposition of high maximum sentences on persons who may not need them. As with disparities in sentences, this approach seriously handicaps correctional programs.

The impact of unduly long sentences on corrections is shown by studies of recidivism among offenders who have served differing lengths of sentences. A California study found that shorter incarceration was associated with no significant increase in recidivism; in some cases, it was accompanied by a decrease.(9) Among Federal parolees, a researcher found that parole violation rates increased with the length of time served. For persons serving 6 months or less before parole, the violation rate was 9 percent; among those serving 5 years or longer, the rate was 64.5 percent.

The Commission recommends a maximum sentence of 5 years for most offenders, with no minimum sentence imposed by statute. The Commission recommends maximum sentences ranging up to 25 years for a convicted offender who is:

1. A persistent offender;
2. A professional criminal; and
3. A dangerous offender.

A persistent offender is one who has been convicted of a third felony, two of them within the past 5 years. A professional criminal is one convicted of a felony committed as part of a continuing illegal business in which he was in a management position or an executor of violence. A dangerous offender is one whose criminal conduct shows: a pattern of repetitive behavior that poses a serious threat to the safety of others; persistent aggressive behavior without regard to consequences; or a particularly heinous offense involving infliction or threat of serious bodily injury or death.

Narrowing the Base of Corrections

The Commission believes that the public would be better served and correctional and other resources put to more effective use if many persons who now come under correctional responsibility were diverted out of the criminal justice process. More persons accused of illegal acts should be directed away from processing through the formal criminal justice system prior to adjudication by means of organized diversion programs.

Some conduct that may now result in correctional supervision or incarceration—drunkenness, vagrancy, or acts illegal only for children, for example—should be excluded from juvenile justice and criminal law, and not be brought before the courts and thus not channeled to corrections. (A more detailed discussion of the issue will be found in this report in the chapters on Criminal Code Reform and Revision and on Courts.) Other conduct, such as drug abuse or prostitution, may remain illegal, but, because corrections is not equipped to deal with it effectively, it should be handled through other resources. In short, to improve correctional services, it is imperative that corrections be given responsibility only for persons who need correctional services.

Corrections can do a better job, the Commission believes, if it does not have to handle persons with whom it is unequipped to deal. Among these are the drunks who in many jurisdictions go in and out of jail, forming the most conspicuous example of the revolving door syndrome, with perhaps two million arrests a year. Like the inebriates, drug addicts need treatment rather than the correctional mill. Similarly, corrections is unequipped to handle the mentally disturbed who are often incarcerated.

Some States have decriminalized public drunkenness and vagrancy, and the Commission recommends that all States do so. If States follow other Commission suggestions that there be no incarceration for certain acts that do not endanger public safety, corrections can put its resources to more productive use.

Indeed, for many persons accused of criminal acts, official system processing is counterproductive. To meet the needs of these persons, planned programs must be developed as alternatives to processing into the justice system. The argument for diversion programs that occur prior to court adjudication is that they give society the opportunity to reallocate existing resources to programs that promise greater success than formal criminal sanctions.

Many persons, especially the young, who are arrested for minor first offenses, are not likely to repeat them, particularly if they have resources available through community agencies such as counseling, medical or mental health services, employment, and job training. Legislative or administrative action that excluded many children and youth from the justice system would force development of whatever private or community alternatives were needed. It would reduce workloads of correctional staff and offer greater opportunity for constructive work with those remaining within the system.

Emphasis on Community-Based Programs

The Commission believes that the most hopeful move toward effective corrections is to continue and strengthen the trend away from confining people in institutions and toward supervising them in the community. At least two-thirds of those under correctional control are already in some community-based program—probation, parole, work release, study release, or some other form of conditional release. The thrust of the Commission's Report on Corrections is that probation, which is now the largest community-based program, will become the standard sentence in criminal cases, with confinement retained chiefly for those offenders who cannot safely be supervised in the community.

Failure of State Institutions

There are compelling reasons to continue the move away from institutions. First, State institutions consume more than three-fourths of all expenditures for corrections while dealing with less than one-third of all offenders. Second, as a whole they do not deal with those offenders effectively. There is no evidence that prisons reduce the amount of crime. On the contrary, there is evidence that they contribute to criminal activity after the inmate is released.

Prisons tend to dehumanize men--turning them from individuals into mere numbers. Their weaknesses are made worse, and their capacity for responsibility and self-government is eroded by regimentation. Add to these facts the physical and mental conditions resulting from overcrowding and from the various ways in which institutions ignore the rights of offenders, and the riots of the past decade are hardly to be wondered at. Safety for society may be achieved for a limited time if offenders are kept out of circulation, but no real public protection is provided if confinement serves mainly to prepare men for more, and more skilled, criminality.

Confinement can be even less effective for children and youth. Some 19th century "reform schools" still exist with a full heritage of brutality. Some newer institutions, also in rural settings, provide excellent education, recreation, and counseling but require expensive and extensive plants capable of providing for the total needs of children over prolonged periods.

The Commission believes that, if a residential facility for confinement of juveniles is necessary, it should be in or close to a city. It should not duplicate services that are available in the community, such as schools and clinical services, but should obtain these services for its residents by purchase or contract. In this way a child in a residential program will learn by testing himself in the community where he must live.

The Commission believes that some institutions will be necessary for the incarceration of adults who cannot be supervised in the community without endangering public safety, but there are more than enough facilities at hand for this purpose. The Commission recognizes, too, that some States will require time to develop alternatives to incarceration for juveniles.

States should refrain from building any more State institutions for juveniles; States should phase out present institutions over a 5-year period.

They should also refrain from building more State institutions for adults for the next 10 years except when total system planning shows that the need for them is imperative.

The Commission believes that States should follow the example of Massachusetts, which has closed down all statewide institutions for juveniles. Several youth institutions in California have already been closed, and it is now proposed that the rest should be phased out.

All institutions or sections of institutions that do not meet health and safety standards should be closed down until such standards are met, as many courts have required. New facilities should be located close to cities from which most inmates come, so that family ties can be maintained. Such locations also make it easier to hire qualified staff and to purchase local services by contract.

Adult institutions should revamp their programs so that, among other things, the job training they offer trains for real jobs, using skilled supervision and modern machinery. Within about 5 years, prison industries should pay wages at rates prevailing in the area around the institution. In this event, it would be possible to obligate the inmate to repay the State for a reasonable share of its costs in maintaining him.

Salvaging the Jail

The conditions in local jails often are far worse than those in State prisons. Local jails are old—the national jail census made for the Law Enforcement Assistance Administration (LEAA) in 1970 showed that one out of every four cells was over 50 years old and some were more than 100 years old. Many do not meet rudimentary requirements of sanitation—50 jails had no flush toilets and investigations in many institutions have revealed filthy cells, bedding, and food. Some jails surveyed, notably in the District of Columbia, had nearly half again as many inmates as they were designed to hold. Only half of the jails had any medical facilities.

Although conditions in some jails are better than those just described, the Commission believes that little improvement is likely over the country as a whole until jails are run by correctional authorities rather than local law enforcement agencies, whose personnel are largely untrained for custodial or correctional functions.

Jails should be part of the unified State correctional system called for later in this chapter. The Commission also urges States to develop probation for misdemeanants as an alternative to jail sentences.

Many inmates, including juveniles, are being held in local jails for long periods before coming to trial. The 1970 jail census showed that 83,000 persons (half of all the adult prisoners and two-thirds of all the juveniles) were being held prior to trial. In some institutions, the proportion was much higher—in the District of Columbia in 1971, 80 percent were being held prior to trial, some of them for as long as 36 months. These persons, all legally innocent, are held with convicted offenders.

Most of the detainees are in jail because they are too poor to make bail, and family and friends cannot help. The Commission believes that a person's financial resources should not determine whether he is detained prior to trial. The Commission commends such alternatives as issuance of citations instead of arrest; release on recognizance; and cash deposit of 10 percent of the bond with the court, a system that eliminates the bail bondsman. All of these programs have been tried in various jurisdictions in the United States, with low rates of failure to appear in court. Expediting criminal trials by requiring that a person be brought to trial not more than 30 days after a misdemeanor arrest (as recommended in Chapter 6) would also cut down on the amount of pretrial detention.

Improving and Extending Community-Based Programs

Not all of the arguments for basing corrections in the community are negative ones such as the ineffectiveness and high cost of institutions. Community-based programs have important positive value in themselves.

The wide variety of correctional programs that are available—or could be made available—in communities allows a court to select one that is suited to the needs of an individual offender. A youth, for example, may be sentenced to probation under varying conditions, such as the requirement that he make restitution to the victim or work at a public service job. Or he may be sentenced to partial confinement in a residential facility (sometimes called a halfway house) under supervision during hours when he is not working or at school. An adult may be required to live in a similar facility, working during the day and returning to the halfway house at night.

Another advantage of community-based programs is that they can make use of resources that are provided to citizens in general—health, education, counseling, and employment services. This is an economical use of resources and one that keeps the offender in the community itself or helps him to return to it after incarceration.

Perhaps the major contribution of community-based programs is that they keep the offender in the community where he must ultimately live, rather than in an isolated institution where all decisions are made for him and he becomes less and less able to cope with life on the outside. Participation of volunteers will assist in keeping the offender part of the community.

The Commission makes several suggestions designed to improve and extend community-based programs:

- Both probation and parole officers should act as resource brokers to secure services for offenders in their charge, rather than acting solely as control agents.
- The casework approach, which has dominated probation, should shift to teamwork and differential assignments.

- Probation should be extended to misdemeanants.
- Both probation and parole must follow practices that offer due process to offenders threatened with revocation of their status.
- Both probation and parole need more trained workers, particularly those who come from the ethnic and racial groups which contribute heavily to the offender population.
- Correctional authorities should develop detailed procedures to assure that probationers and parolees are adequately supervised.

The Commission emphasizes that programs and services must take precedence over buildings. Communities that rush into construction to house new programs may be repeating the mistakes this country made over the past 200 years, when well-meant experiments like the penitentiary eventually produced monstrosities like Attica, San Quentin, and Parchman.

Unified Correctional Programs and Total System Planning

American correction systems range in size and shape from huge State departments to autonomous one-man probation offices. Some States combine corrections with other governmental functions—law enforcement, health, or social welfare, for example. Some programs are managed in a highly professional manner, others by methods that are outmoded and ineffective.

The Commission believes that all States should follow the example of the five States—Alaska, Connecticut, Delaware, Rhode Island, and Vermont—that now exercise control over all non-Federal correctional activities within their boundaries.

By 1978, each State should enact legislation to unify within the executive branch all non-Federal correctional functions and programs for adults and juveniles, including service for persons awaiting trial; probation supervision; institutional confinement; community-based programs, whether prior to or during institutional confinement; and parole and other aftercare programs.

The board of parole may be administratively part of the overall correctional agency, but it should be autonomous in its decisionmaking. It also should be separate from parole field services.

The Commission emphasizes its conviction that an integrated State correctional system is not in conflict with the concept of community-based corrections. The fact that a State agency makes statewide plans does not imply remote control of programs in the community. Rather it makes possible logical and systematic planning that can be responsive to changing problems and priorities. It implies maximum use of local personnel and fiscal resources to guarantee that programs will be developed to meet diverse local needs and local conditions.

Manpower Development

People are the most important resource in the fight against crime. In corrections they are the resource that is scarcest and most poorly used.

Corrections needs to use modern management techniques to analyze its manpower needs, recruit and train personnel to fill those needs, and retain staff who perform well and show interest in the job. Achieving these ends is hampered by lack of interest or information on the part of managers and by outmoded restraints and prejudices in hiring and promotions.

The Commission believes that active efforts must be made to recruit from minority groups, which are usually overrepresented among offenders and underrepresented among the staff.

Community-based correctional programs also have needs and potentials for the use of minority people. In probation, for example, the minority staff member may know the problems of the offender more intimately than do his white colleagues and often can more easily locate potential sources of help. These probabilities are increased among the staff hired to serve in paraprofessional capacities in the neighborhoods from which probationers come.

Because women have been discriminated against in hiring and promotion throughout the corrections field, particularly in male institutions, they have been effectively eliminated from management positions except in the few institutions for females. There appears to be no good reason why women should not be hired for any type of position in corrections.

Ex-offenders have experience in corrections and often have rapport with offenders that gives them special value as correctional employees. They have been through the system and understand its effects on the individual. California, Illinois, New York, and Washington have pioneered in the use of ex-offenders in correctional work. There is obvious need for careful selection and training of ex-offenders. Their use in correctional programs may be high-risk, but it is also potentially high-gain.

Increased Involvement of the Public

The degree to which the public understands, accepts, and participates in correctional programs will determine to a large extent not only how soon, but how successfully, corrections can operate in the community and how well institutions can prepare the inmate for return to it.

Public participation is widespread in both institutional programs and community-based programs. The National Information Center on Volunteers in Courts, operating in Boulder, Colo., estimates

that citizen volunteers outnumber professionals by four or five to one. According to the Center, about 70 percent of correctional agencies which deal with felons have some sort of volunteer program to aid them. Volunteer work with the misdeameanant is even more widespread.

Some volunteers supplement professional activities, as in teaching, while others play roles unique to volunteers in friendship situations, such as big brothers to delinquent youngsters. Other citizens serve as fundraisers or organizers of needed services, goods, and facilities.

Intensive efforts should be made to recruit volunteers from minority groups, the poor, inner city residents, ex-offenders who can serve as success models, and professionals who can bring special expertise to correctional programs.

The Commission recommends that institutions plan for programs that bridge the gap between institutions and community residents. Institutions should actively develop maximum interaction between the community and the institution, involving citizens in planning and activities.

Work-release programs should involve advice from employer and labor groups. Offenders should be able to participate in community educational programs, and, conversely, community members with special interest in educational or other programs at the institution should be able to participate in them. The institution should cultivate active participation of civic groups and encourage the groups to invite offenders to become members.

For such activity to become widespread, there will have to be a general change in the attitude of corrections itself. The correctional system is one of the few public services today that is isolated from the public it serves. Public apathy toward improving the system is due in part to the tendency of corrections to keep the public out—literally by walls, figuratively by failure to explain its objectives. If corrections is to receive the public support it needs, it will have to take the initiative in securing it. This cannot be achieved by keeping the public ignorant about the state of corrections and thus preventing it from developing a sense of responsibility for the correctional process.

SETTING THE PROGRAM IN MOTION

The program of action outlined in this chapter will require a major national commitment on many fronts. Measures to be taken are interrelated; the effectiveness of each depends on accomplishments of the others.

Corrections is in difficulty today partly because not enough money has been provided to support even existing programs adequately. Nothing is left for investment in change.

State and Federal penal and correctional codes are striking examples of the problems created by passing laws to meet specific situations without considering other laws already in force. For the most part, these codes have been enacted piecemeal over generations and follow no consistent pattern or philosophy. Indeed, the lack of a basic philosophy of the purpose of corrections is as crippling to operation of the system as are contradictions between statutes. The Commission calls attention to the 1972 action of the Illinois legislature in passing a unified code of corrections and urges all States to do so.

This Commission has emphasized the importance of manpower throughout the criminal justice system. Nowhere is the lack of educated and trained personnel more conspicuous than in corrections.

A national academy of corrections has been proposed for many years. At the National Conference on Corrections held in Williamsburg, Va., in December 1971, the Attorney General directed LEAA and the Bureau of Prisons to work with the States in developing such an academy, to be called the National Institute of Corrections.

An accreditation system for corrections would be used to recognize and maintain standards of service, programs, and institutions, and eventually to bring about higher levels of quality.

CONCLUSION

A national commitment to change is essential if there is to be any significant reform of corrections, for this is a formidable task. High recidivism rates, riot and unrest in prisons, revelations of brutality and degradation in jails, increasing litigation against correctional officials, and indignant public reactions attest to the need for change in corrections.

Reform in corrections will also require changes in public values and attitudes. The public must recognize that crime and delinquency are related to the kind of society in which offenders live. Reduction of crime may therefore depend on basic social change.

Chapter 8

Criminal Code Reform and Revision

Gambling, marijuana use, pornography, prostitution, sexual acts between consenting adults in private—the mere mention of these activities may generate an emotional response in almost every American.

Some citizens may be angry, embarrassed, or frightened because these activities take place in society. Other citizens may express resentment that these activities, which they may consider to be relatively harmless, are condemned and punished at all. Still other citizens may condemn one of these activities while at the same time practicing one of the others.

Another group of crimes—drunkenness, vagrancy, and minor traffic violations—are a constant source of irritation and dismay to society in general and to the criminal justice system in particular. For example, the FBI reports that in 1971 there were an estimated 1,235,767 arrests for public drunkenness.

The criminal justice system is ill-equipped to deal with these offenses. These crimes place a heavy and unwelcome burden on law enforcement resources throughout the Nation. And the laws regulating these offenses are open to abuse and, increasingly, to constitutional challenge.

The Commission believes that the criminal code should reflect a more rational attitude towards current social practices and a more realistic appraisal of the capabilities of the criminal justice system.

Gambling, marijuana use and possession for use, pornography, prostitution, and sexual acts in private often are punished by incarceration. The Commission questions whether incarceration serves as a deterrent to these types of behavior.

The existing criminal justice system was designed to deter

potential offenders by the threat of punishment, to punish and rehabilitate offenders, and to protect society by incarcerating persons who pose a threat to others. The system has failed to some extent in almost every respect.

The Commission recommends that States reevaluate their laws on gambling, marijuana use and possession for use, pornography, prostitution, and sexual acts between consenting adults in private. Such reevaluation should determine if current laws best serve the purpose of the State and the needs of the public.

The Commission further recommends that, as a minimum, each State should remove incarceration as a penalty for these offenses, except in the case of persistent and repeated offenses by an individual, when incarceration for a limited period may be warranted.

The recommendation insofar as it deals with removal of incarceration as a penalty does not apply to behavior in which a willful attempt is made to affect others in areas such as pandering, soliciting, public lewdness, and the sale or possession for sale of marijuana.

The Commission emphasizes that it is not necessarily recommending decriminalization of these five activities. It is up to each State to determine whether or not such behavior should be classified as criminal in nature. Some States may decide, upon reevaluation of existing laws, to retain the laws or to modify or repeal them altogether.

The Commission is aware that both prostitution and gambling may be associated with organized crime, and it urges States to take appropriate safeguards when enacting legislation. There also may be some need to control pornography where children could be exposed to explicit sexual material.

The Commission, however, recommends that States that do not decriminalize these activities reexamine the effectiveness of incarceration in enforcing the laws. The Commission has made such an examination and concludes that incarceration is an ineffective method of enforcement. The Commission believes that incarceration should be abandoned and that probation, fines, commitment to community treatment programs, and other alternative forms of punishment and treatment be substituted for incarceration.

Incarceration is clearly not an infallible deterrent. For example, the threat of punishment did not end the use of liquor, and today it does not keep an estimated 15 to 20 million Americans a year from experimenting with or using marijuana, or prevent countless cases of illegal gambling. Evidence shows that incarceration itself does not deter; study after study documents that the majority of crimes are committed by persons who previously had been incarcerated.

The characterization of prisons as "schools of crime" needs little substantiation. Prisons often do not rehabilitate or change inmates, but instead may send back to society hardened, frustrated, alienated individuals who return quickly to patterns of crime and other antisocial conduct. Thus, incarceration may backfire: rather than protect society, it may perpetuate a threat to society.

Furthermore, these acts usually consist of behavior that does not pose a direct threat to others, but that often generates strong social disapproval. Therefore, as social problems these crimes are best dealt with by social institutions capable of treating the problem and of integrating the offender into society, rather than by a criminal justice system that could further alienate the offender by treating him the same as it would a violent criminal.

DECRIMINALIZATION

The Commission believes that the criminal justice system would benefit from the removal of drunkenness as a crime, the repeal of vagrancy laws, and the administrative disposition of minor traffic offenses. The benefits from these changes that would accrue to the criminal justice system would be immediate and far ranging.

The following sections contain the Commission's recommendations in these three areas, plus a discussion of the rationale for the proposed changes.

Drunkenness

The Commission recommends that drunkenness in and of itself should not continue to be treated as a crime. All States should give serious consideration to enacting the Uniform Alcoholism and Intoxication Act.

Vagrancy

The Commission recommends that each State review its laws and repeal any law that proscribes the status of living in idleness without employment and having no visible means of support, or roaming or wandering.

Minor Traffic Offenses

The Commission recommends that all minor traffic offenses, except driving while intoxicated, reckless driving, and driving with a suspended or revoked license, be made infractions subject to administrative disposition. Penalties for such infractions should be limited to fines, suspension or revocation of the driver's license, or compulsory attendance at traffic school. Provision should be made for administrative disposition of such infractions by an agency other than the court of criminal jurisdiction. The right of appeal from administrative decisions should be assured.

CRIMINAL CODE REVISION

Criminal statutes may overlap one another, use words in an inconsistent fashion, and carry inconsistent punishments. For example, after a particularly notorious or offensive case, legislatures may enact penalties that are excessive in day-to-day application.

A State's criminal justice system may be a model of contemporary efficiency; but if its basic criminal law is the outmoded product of legislative or judicial processes of an earlier generation, the protection afforded the citizen through criminal law processes can be much less than it ought to be.

States whose criminal codes have not been revised in the last decade should initiate revisions; these revisions should be complete and thorough, not partial, and the revision should include where necessary a revamped penalty structure.

Chapter 9

Handguns in American Society

Americans are accumulating handguns at a rate estimated at more than 1.8 million weapons a year. The national arsenal of privately owned handguns is estimated to be as high as 30 million.

Nowhere in the world is the private ownership of handguns, on a per capita basis, as high as in the United States. Similarly, nowhere among the industrial nations of the world is the criminal homicide rate as high as in the United States.

In the United States, during 1971 alone, approximately 9,000 Americans, including 94 police officers, were murdered with handguns. In 1971, more than 600 accidental deaths resulted from the improper use of handguns.

Not surprisingly, the American public is concerned about gun control. The polls show that the vast majority of American citizens favor firearm control. As long as modern polling has existed, the polls have shown majority support for firearms control. Never have less than two-thirds of those polled favored gun control. Most recently, in a 1972 Gallup Poll, 71 percent of all persons polled, and 61 percent of all gun owners polled, indicated they were in favor of gun control.

Prohibition on Handguns

The Commission believes that the violence, fear, suffering, and loss caused by the use of handguns must be stopped by firm and decisive action. The Commission therefore recommends that, no later than January 1, 1983, each State take the following action.

- The private possession of handguns should be prohibited for all persons other than law enforcement and military personnel.
- Manufacture and sale of handguns should be terminated.
- Existing handguns should be acquired by States.
- Handguns held by private citizens as collector's items should be modified and rendered inoperative.

The recommendations of the Commission apply only to handguns, a term which for the purposes of this chapter refers to a firearm designed to be fired with one hand. The term also includes the personal possession or control of a combination of parts from which a handgun can be assembled. The term includes both pistols (sometimes referred to as automatics) and revolvers, but does not include antique firearms.

The Commission believes that laws currently in force regarding rifles and long guns require no change. The Commission does not wish to curtail the use of rifles and long guns by hunters and other legitimate users.

WHY HANDGUNS MUST BE CONTROLLED BY THE STATES

To maintain an orderly society, a government must regulate certain of its citizens' acts. Rights and freedoms cannot exist without recognition that one person's rights exist only to the degree that they do not infringe on those of another.

Removing the handgun from American society will not eliminate crime and violence, but documentation shows there is a strong correlation between the number of privately owned handguns and the corresponding use of guns in crimes of violence.

Nationally, the handgun is the principal weapon used in criminal homicide. Reported crime statistics for 1971 indicated that 51 percent of all murders and nonnegligent manslaughters were committed with the use of a handgun.

Handguns are also an important instrument in other crimes of violence as well. Possibly a third of all robberies and one-fifth of all aggravated assaults are committed with handguns.

Countries that have restrictive regulations on the private possession of handguns have considerably lower homicide rates than does the United States. For example, in Tokyo, Japan, a congested metropolis of more than 11 million people, and where it is illegal to own, possess, or manufacture handguns, there was only one handgun homicide reported in 1971. In contrast, during the same time period, Los Angeles County, Calif., with a population of just over 7 million, reported 308 handgun homicides.

Cultural differences account for some of this disparity, but this explanation alone cannot account for the wide difference in homicide rates nor for the fact that Japanese statistics reflect a consistent yearly decrease in the number of crimes committed with firearms since the 1964 national prohibition against all firearms.

In the past 10 years, the United States had 722 police officers murdered while performing in the line of duty; 73 percent of them were murdered with handguns. During the same 10 years, nine police officers were killed by handguns in Great Britain, 26 in Japan, and in France, "not enough to make a percentage." These countries all have stringent handgun control laws.

The Commission is aware that many persons keep firearms in their homes because they fear for the lives and safety of themselves and their families. It should be known, however, that many "gun" crimes are family killings—not the "stranger" crimes where protection is needed. In 1971, one-fourth of all murders were "intra-family," in which a family member seized the weapon at hand. When a gun was seized, the fatality rate was five times higher than the fatality rate from an attack by any other weapon.

RECOMMENDATIONS

Enforcement of Current Laws

The Commission recommends that existing Federal, State, and local laws relating to handguns be strenuously enforced. It further recommends that States undertake publicity campaigns to educate the public fully about laws regulating the private possession of handguns.

Federal laws, if utilized, present a sound legislative base for control of handguns. The Federal Gun Control Act of 1968 (18 U.S.C. 900-928) encourages States to enact their own legislation in the area of firearms, and provides two key statutory incentives to do so.

First, Congress provides assistance for State and local gun control by prohibiting interstate gun transactions by any person in violation of local laws. In section 922(b)(2) of the Gun Control Act, Congress provided:

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

(2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance;

The Gun Control Act of 1968 contains other provisions critical to an effective rational policy of handgun control. These are:

- A ban on interstate transactions of firearms and ammunition, and a prohibition against any person receiving firearms and ammunition from out of State; licensed dealers are exempt from this provision.

- . The requirement that a buyer submit a sworn statement attesting to his competence and setting out the essential facts of the transaction in intrastate mail order shipment and receipt of firearms.
- . Prohibition against sale of rifles, shotguns, or ammunition to persons under 18, and of handguns to persons under 21.
- . Establishment of licensing provisions for manufacturers, dealers, importers, and collectors.
- . The requirement that several types of firearms, including short-barreled shotguns and machine guns, be registered with the Federal Government.
- . Prohibition of sale of firearms to convicted felons, fugitives from justice, or persons under indictment for crimes punishable by more than 1-year imprisonment.

The Commission, however, does not include current laws dealing with mandatory minimum sentences within the scope of this recommendation. The Commission believes that some of these laws are inconsistent with current knowledge about incarceration and its effect on rehabilitation. Also, juries are sometimes reluctant to convict a defendant if they must in effect impose an exceedingly long prison term. For these reasons, the Commission recommends instead prison sentences up to 25 years but with no mandatory minimum.

The public should also be educated fully about the laws in force through State publicity campaigns, through enlisting the aid of print, radio, and television media, and by making information easily available to interested citizens and citizen groups.

Penalties for Crimes Committed with a Handgun

The Commission urges enactment of State legislation providing for an extended prison term with a maximum term of 25 years for committing a felony while in possession of a handgun.

Because of its ease of portability and concealment, the handgun is by far the principal weapon of criminal gun use. Although, nationally, handguns constitute only one-fourth of all privately owned firearms, they account for more than three-fourths of all criminal gun violence. If the public ever is to experience a feeling of relative safety and well-being, there must be positive and effective measures enacted to remove and eliminate the constant threat of the criminal use of handguns.

The Commission does not intend that legislatures mandate minimum sentences for those committing a felony while in possession of a handgun. Rather, this recommendation provides that extended prison sentences may be imposed if there are circumstances warranting their application.

Stop and Frisk Searches

The Commission urges the enactment of State legislation providing for police discretion in stop-and-frisk searches of persons and searches of automobiles for illegal handguns.

The fourth amendment provides that "The right of people to be secure in their persons, homes, papers, and effects, against unreasonable searches and seizures shall not be violated."

The Commission believes that police discretion to stop and frisk persons and to search automobiles for handguns is reasonable in situations where there are articulable reasons to believe that a police officer's life is in danger. In suspicious circumstances, officers, for their own safety, must have the right to search the person and portion of the vehicle accessible to the occupants for deadly weapons, especially handguns.

Prohibiting the Manufacture of Handguns

The Commission urges the enactment of State legislation prohibiting the manufacture of handguns, their parts, and ammunition within the State, except for sale to law enforcement agencies or for military use.

Effective immediately upon the enactment of the legislation, and under penalty of fine or imprisonment or both, all manufacturers within the State should be required to cease production of handguns, their parts, and ammunition, other than those designated or destined for sale to law enforcement agencies or to the Federal or State government for use by military personnel.

Any attempt to eliminate the private possession of handguns should necessarily begin with obstruction at the primary source, the firearms manufacturer. The usefulness of handguns would be greatly lessened by the elimination of the availability of handgun ammunition.

Legislation should be effective immediately in order to preclude the possibility of stockpiling handguns and ammunition.

The Commission urges the enactment of State legislation prohibiting the importation into a State of all handguns, their parts, and ammunition.

Effective immediately upon enactment of the legislation, and under penalty of fine or imprisonment or both, imports of all handguns, their parts, and ammunition should be prohibited. Importation of handguns for law enforcement and military agencies would be permitted.

This legislation, when combined with the preceding section prohibiting the manufacture of firearms, their parts, and ammunition, would eliminate all legal sources of handguns and ammunition in a State except where the gun is already in existence in the State.

Prohibiting the Sale of Handguns

The Commission urges the enactment of State legislation prohibiting the sale of handguns, their parts, and ammunition to other than law enforcement agencies or Federal or State governments for military purposes.

The Commission believes that any legislation to eliminate the private possession of handguns should require an immediate cessation of all handgun sales. Although a ban on production and importation of handguns and their parts would eliminate the source of any new handguns, there is a vast number of used handguns available for sale to the public. This legislation would eliminate the potential use of these second-hand weapons. Perhaps more significantly, it would also preclude any tendency to stockpile handguns in anticipation of the prohibition of their possession.

Establishing a State Gun Control Agency

The Commission urges the enactment of State legislation establishing and funding a State agency authorized to purchase all voluntarily surrendered handguns, and further authorized to register and modify handguns to be retained by private citizens as curios, museum pieces, or collector's items.

The Commission believes that the best way to obtain compliance with any prohibitive regulation is to offer a reasonable and practical alternative.

Many handguns presently in private possession represent a substantial financial investment, and the possessor would have an understandable reluctance to forfeit possession without receiving remuneration. The convenience of having easy access to a certain and proper buyer, willing to pay a fair price, would tend to discourage efforts to negotiate private sales, and at the same time would offer a positive motivation to comply with the law.

The program can be effective only if all persons, regardless of social or economic position, are aware of the existence of the program, the location of the purchasing centers, and the time constraints involved. All communication media should be encouraged to inform the public about the program to exchange handguns for monetary compensation.

Prohibiting the Private Possession of Handguns

The Commission further urges the enactment of State legislation not later than January 1, 1983, prohibiting the private possession of handguns after that date.

Effective on January 1, 1983, and under penalty of fine or imprisonment or both, possession of a handgun should be made illegal for any person other than law enforcement or military personnel, or those persons authorized to manufacture or deal in handguns for use by law enforcement or the military.

CONCLUSION

The Commission hopes that its position on handguns will be well received and widely supported by the American people. It recognizes, however, that there may be some initial opposition from citizens who have strong convictions in favor of private possession of all kinds of firearms, including handguns. The Commission respects the opinions of these persons and urges a full airing of all views, and open and thorough debate on the handgun issue in public forums, the press, and other appropriate places at the State and local levels.

It would be easy for the Commission to sidestep this issue altogether and to limit its recommendations to the popular and uncontroversial.

After lengthy discussion and careful deliberation, however, the Commission concludes that it has no choice other than to urge the enactment of the recommendations proposed in this chapter. The Commission believes that the American people are willing to make the personal sacrifices necessary to insure that the level of crime and violence in this Nation is diminished.

Chapter 10

A National Commitment to Change

This Commission has sought to formulate a series of standards, recommendations, priorities, and goals to modernize and unify the criminal justice system, and to provide a yardstick for measuring progress. Its purpose has been the reduction of crime.

But the Commission's work is only the first step. It remains now for citizens, professionals, and policymakers to mount the major effort by implementing the standards proposed in the six volumes of the Commission's work.

The Commission believes that the effort it has begun should be carried on by a permanent group of citizens which can monitor implementation of the standards over the long term. The Commission believes that the Federal Government, through LEAA, should continue to perform a catalytic role in this regard.

The Commission recommends that LEAA establish an Advisory Committee on Criminal Justice Standards and Goals to support the standards and goals implementation effort.

This committee would provide continuing guidance, information exchange, background information, and evaluation to all jurisdictions. The group should consist of private citizens, government leaders, criminal justice professionals, and community crime prevention practitioners.

Getting the Facts

Priority-setting must begin with an assessment of a State or locality's major crime problems and the criminal justice system's response to those problems. Program funding decisions may change drastically depending on whether the crime problem given top priority is white collar crime, burglary, or various types of violent crime.

The Commission recommends, as a first step in implementing standards and goals, that each jurisdiction analyze its own unique crime problems. Such an analysis should result in the establishment of quantifiable and time-phased goals for the reduction of priority crimes, such as those adopted by this Commission. Once this has been accomplished, an assessment of the Commission's standards and recommendations should be made in terms of their individual impact on the selected priority crimes.

Evaluating Programs

One of the most striking characteristics of present criminal justice operations is how little is known about what works and what does not work. The Commission at the outset of its effort undertook a survey of innovative criminal justice projects throughout the country. The survey utilized news clippings, articles in professional journals, and Federal grant applications which described potentially successful programs. Commission staff members queried more than 400 agencies for information.

The agency responses, although often enthusiastic, were nonetheless not particularly useful. The outcome of some projects was described in letters and not formally set forth in documents suitable for public dissemination. Many evaluation reports contained ill-defined objectives providing no specific standards by which to judge the project. Claims of success were generally couched in subjective and intuitive statements of accomplishments. Even when quantitative measures were used, they were frequently not accompanied by analysis and by adequate explanation.

The Commission's surveys provided direct evidence that program and project evaluation is not considered important by most public officials. The Commission believes that this lack of emphasis is unfortunate. Although many of the Commission's standards are based on a solid foundation of previous knowledge, others are more experimental. As criminal justice agencies begin putting the Commission's standards into practice, serious attention must be given to evaluating how well they contribute to the goals of the criminal justice system and particular agencies.

In implementing important standards or groups of standards, the Commission urges that evaluation plans be designed as an integral part of all projects.

PROFESSIONAL, CIVIC, AND EDUCATIONAL SUPPORT

The Commission believes that substantial assistance for implementing its standards and goals can be obtained from a variety of concerned groups.

The Commission believes that national and local professional and civic associations can play a particularly valuable role in stimulating implementation of standards. Through their initiative and leadership, these groups can exert considerable influence on standards implementation.

The associations and their members have contributed much to the formulation of standards, but the magnitude of the task of implementing them demands the energy to educate and encourage community leaders and criminal justice system practitioners to adopt the standards, and legislators to provide the necessary resources and authorizations where required.

Perhaps the best existing model for professional association participation is the effort of the American Bar Association (ABA) to stimulate adoption of their recent Standards for Criminal Justice. The ABA has provided speakers for a diversity of citizen and professional groups. It has provided educational materials for implementation. It has planned, programmed, and participated in State judicial conferences, sessions, and workshops. It has cooperated in joint endeavors with other criminal justice groups and has pursued an active program to both enlist young lawyers and stimulate law school participation. With both private and LEAA funds, it has assisted implementation efforts in several pilot States, and future plans call for the establishment of programs for measuring impact and evaluating the practical benefits of implementation.

The Commission suggests that all professional associations consider developing programs of a similar nature and that LEAA, within the limits of its capabilities, provide funding to the best of these programs.

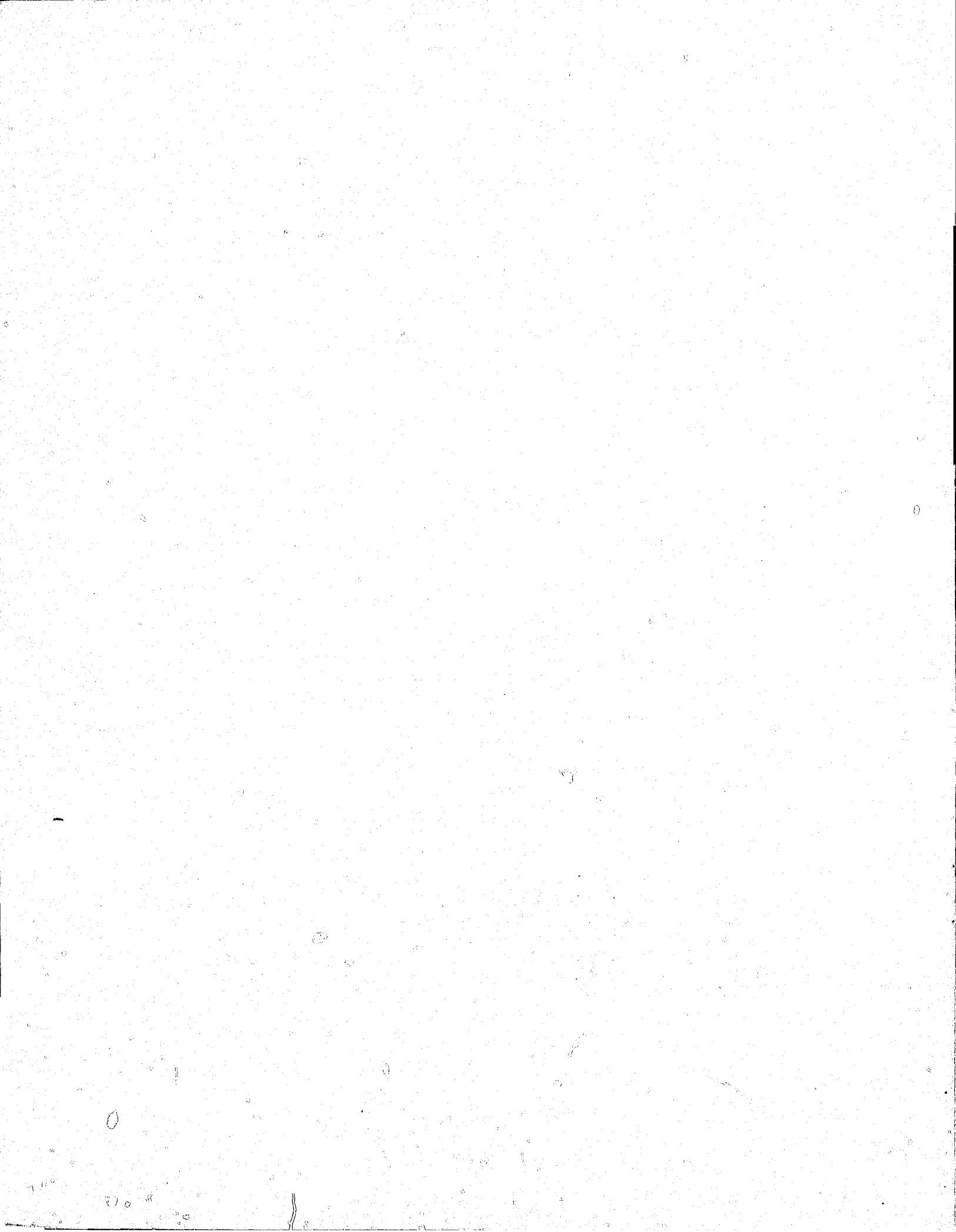
COST OF CRIME REDUCTION

The Commission examined the issue of the dollar cost of implementing its standards and recommendations. It recognizes that for all States and units of local government, the cost of implementing these standards and recommendations could be substantial, at least in the short term.

Nonetheless, the Commission urges elected officials, administrators, and planners to accept the heavy responsibility of presenting the taxpaying public with the facts of the situation and winning the public support necessary to raise the funds. The Commission believes that voting and taxpaying citizens in all jurisdictions will vigorously support sound programs of crime reduction of the sort proposed in this report.

The Commission points out, too, that its proposals were developed in large part by working practitioners. These are not "blue-sky" recommendations dreamed up in an atmosphere of utopian unreality. They are the solid and often field-tested proposals of professionals in the criminal justice system.

In the last analysis, however, the Commission believes that the cost of crime reduction must be weighed against the cost of crime itself. New techniques of measurement are beginning only now to tell the American people how much crime they actually endure. That crime takes its toll in human lives, in personal injury and suffering, in stolen money and property. This cost must reach substantial levels in all jurisdictions.



CRIMINAL JUSTICE SYSTEM

Chapter 1: Planning for Crime Reduction

Standards

- 1.1 Assure that criminal justice planning is crime-oriented.
- 1.2 Improve the linkage between criminal justice planning and budgeting.
- 1.3 Set minimum statewide standards for recipients of criminal justice grants and subgrants.
- 1.4 Develop criminal justice planning capabilities.
- 1.5 Encourage the participation of operating agencies and the public in the criminal justice planning process.

Recommendation

- 1.1 Urge the Federal government to apply these standards in its own planning.

Chapter 3: Jurisdictional Responsibility

Standards

- 3.1 Coordinate the development of criminal justice information systems and make maximum use of collected data.
- 3.2 Establish a State criminal justice information system that provides certain services.
- 3.3 Provide localities with information systems that support the needs of local criminal justice agencies.
- 3.4 Provide every component of the criminal justice system with an information system that supports interagency needs.

Chapter 4: Police Information Systems

Standards

- 4.1 Define the proper functions of a police information system.
- 4.2 Utilize information to improve the department's crime analysis capability.
- 4.3 Develop a police manpower resource allocation and control system.
- 4.4 Specify maximum allowable delay for information delivery.
- 4.5 Insure that all police agencies participate in the Uniform Crime Report Program.

- 4.6 Expand collection of crime data.
- 4.7 Insure quality control of crime data.
- 4.8 Establish a geocoding system for crime analysis.

Chapter 5: Courts Information System

Standards

- 5.1 Provide background data and case history for criminal justice decision making.
- 5.2 Provide information on case flow to permit efficient calendar management.
- 5.3 Provide capability to determine monthly criminal justice case flow and workloads.
- 5.4 Provide data to support charge determination and case handling.
- 5.5 Create capability for continued research and evaluation.
- 5.6 Record action taken in regard to one individual and one distinct offense and record the number of criminal events.

Chapter 6: Corrections Information System

Standards

- 6.1 Define the needs of a corrections information system.
- 6.2 Apply uniform definitions to all like correctional data.
- 6.3 Design a corrections data base that is flexible enough to allow for expansion.
- 6.4 Collect certain data about the offender.
- 6.5 Account for offender population and movement.
- 6.6 Describe the corrections experience of the offender.
- 6.7 Evaluate the performance of the corrections system.

Chapter 7: Operations

Standards

- 7.1 Provide for compatible design of offender-based transaction statistics and computerized criminal history systems.
- 7.2 Develop single data collection procedures for offender-based transaction statistics and computerized criminal history data by criminal justice agencies.
- 7.3 Develop data bases simultaneously for offender-based transaction statistics and computerized criminal history systems.

- 7.4 Restrict dissemination of criminal justice information.
- 7.5 Insure completeness and accuracy of offender data.
- 7.6 Safeguard systems containing criminal offender data.
- 7.7 Establish computer interfaces for criminal justice information systems.
- 7.8 Insure availability of criminal justice information systems.

Chapter 8: Privacy and Security

Standards

- 8.1 Insure the privacy and security of criminal justice information systems.
- 8.2 Define the scope of criminal justice information systems files.
- 8.3 Limit access and dissemination of criminal justice information.
- 8.4 Guarantee the right of the individual to review information in criminal justice information systems relating to him.
- 8.5 Adopt a system of classifying criminal justice system data.
- 8.6 Protect criminal justice information from environmental hazards.
- 8.7 Implement a personnel clearance system.
- 8.8 Establish criteria for the use of criminal justice information for research.

Chapter 9: Technical System Design

Standards

- 9.1 Insure standardized terminology following the National Crime Information Center example.
- 9.2 Establish specific program language requirements for criminal justice information systems.
- 9.3 Assure adequate teleprocessing capability.

Chapter 10: Strategy for Implementing Standards

Standards

- 10.1 Take legislative actions to support the development of criminal justice information systems.
- 10.2 Establish criminal justice user groups.
- 10.3 Establish a plan for development of criminal justice information and statistics systems at State and local levels.
- 10.4 Consolidate services to provide criminal justice information support where it is not otherwise economically feasible.

- 10.5 Require conformity with all standards of this report as a condition for grant approval.

Chapter 11: Evaluation Strategy

Standards

- 11.1 Monitor the criminal justice information system analysis, design, development, and initial steps leading to implementation.
- 11.2 Monitor the implementation of the system to determine the cost and performance of the system and its component parts.
- 11.3 Conduct evaluations to determine the effectiveness of information system components.

Chapter 12: Development, Implementation and Evaluation of Education Curricula and Training Programs for Criminal Justice Personnel

Standards

- 12.1 Develop, implement and evaluate criminal justice education and training programs.
- 12.2 Establish criminal justice system curricula.

Chapter 13: Criminal Code Revision

Standards

- 13.1 Revise criminal codes in states where codes have not been revised in the past decade.
- 13.2 Complete revision of criminal codes.
- 13.3 Simplify the penalty structure in criminal codes.
- 13.4 Revise corrections laws.
- 13.5 Create a drafting body to carry out criminal code revision.
- 13.6 Revise criminal procedure laws.
- 13.7 Support drafted criminal law legislation with interpretive commentaries.
- 13.8 Assure smooth transition to the new law through education.
- 13.9 Continue law revision efforts through a permanent commission.

COMMUNITY CRIME PREVENTION

Chapter 2: Citizen Involvement and Government Responsiveness in the Delivery of Services

Recommendations

- 2.1 Distribute public service on the basis of need.
- 2.2 Dispense government services through neighborhood centers.
- 2.3 Enact public right-to-know laws.
- 2.4 Broadcast local government meetings and hearings.
- 2.5 Conduct public hearings on local issues.
- 2.6 Establish neighborhood governments.
- 2.7 Create a central office of complaint and information.
- 2.8 Broadcast local Action Line programs.

Chapter 3: Youth Services Bureaus

Standards

- 3.1 Coordinate youth services through youth services bureaus.
- 3.2 Operate youth services bureaus independent of the justice system.
- 3.3 Divert offenders into youth services bureaus.
- 3.4 Provide direct and referral services to youths.
- 3.5 Hire professional, paraprofessional and volunteer staff.
- 3.6 Plan youth program evaluation and research.
- 3.7 Appropriate funds for youth services bureaus.
- 3.8 Legislate establishment and funding of youth services bureaus.

Chapter 4: Programs for Drug Abuse Treatment and Prevention

Recommendations

- 4.1 Adopt multimodality drug treatment systems.
- 4.2 Create crisis intervention and drug emergency centers.
- 4.3 Establish methadone maintenance programs.
- 4.4 Establish narcotic antagonist treatment programs.
- 4.5 Create drug-free therapeutic community facilities.
- 4.6 Organize residential drug treatment programs.
- 4.7 Encourage broader flexibility in varying treatment approaches.
- 4.8 Enable defendants to refer themselves voluntarily to drug treatment programs.
- 4.9 Establish training programs for drug treatment personnel.

- 4.10 Plan comprehensive, community-wide drug prevention.
- 4.11 Coordinate drug programs through a State agency.
- 4.12 Coordinate Federal, State and local drug programs.

Chapter 5: Programs for Employment

Recommendations:

- 5.1 Expand job opportunities for disadvantaged youth.
- 5.2 Broaden after-school and summer employment programs.
- 5.3 Establish pretrial intervention programs.
- 5.4 Expand job opportunities for offenders and ex-offenders.
- 5.5 Remove ex-offender employment barriers.
- 5.6 Create public employment programs.
- 5.7 Expand job opportunities for former drug abusers.
- 5.8 Target employment, income and credit efforts in poverty areas.
- 5.9 Require employers' compliance with antidiscrimination laws.
- 5.10 Increase support of minority businesses.
- 5.11 Alleviate housing and transportation discrimination.

Chapter 6: Programs for Education

Recommendations

- 6.1 Adopt teacher training programs for parents.
- 6.2 Exemplify justice and democracy in school operations.
- 6.3 Guarantee literacy to elementary school students.
- 6.4 Provide special language services for bicultural students.
- 6.5 Develop career preparation programs in schools.
- 6.6 Provide effective supportive services in schools.
- 6.7 Offer alternative education programs for deviant students.
- 6.8 Open schools for community activities.
- 6.9 Adopt merit training and promotion policies for teachers.

Chapter 7: Programs for Recreation

Recommendation

- 7.1 Develop recreation programs for delinquency prevention.

Chapter 8: Programs for Religion

Recommendations

- 8.1 Enlist religious community participation in crime prevention.

- 8.2 Encourage religious institutions to educate their constituencies about the crime problem.
- 8.3 Enlist religious institution support of crime prevention.
- 8.4 Open church facilities for community programs.
- 8.5 Promote religious group participation in the justice system.

Chapter 9: Programs for Reduction of Criminal Opportunity

Recommendations

- 9.1 Design buildings that incorporate security measures.
- 9.2 Include security requirements in building codes.
- 9.3 Improve street lighting in high crime areas.
- 9.4 Adopt shoplifting prevention techniques in retail establishments.
- 9.5 Legislate car theft prevention programs.
- 9.6 Involve citizens in law enforcement.

Chapter 10: Conflicts of Interest

Standards

- 10.1 Adopt an Ethics Code for public officials and employees.
- 10.2 Create an Ethics Board to enforce the Ethics Code.
- 10.3 Disclose public officials' financial and professional interests.
- 10.4 Include conflicts of interest in the State criminal code.

Chapter 11: Regulation of Political Finances

Standards

- 11.1 Disclose candidates' receipts and expenditures.
- 11.2 Limit political campaign spending.
- 11.3 Prohibit campaign contributions from government-connected businessmen.
- 11.4 Prohibit campaign gifts from unions, trade groups, corporations.

Chapter 12: Government Procurement of Goods and Services

Standard

- 12.1 Establish a State procurement agency.

Chapter 13: Zoning, Licensing and Tax Assessment

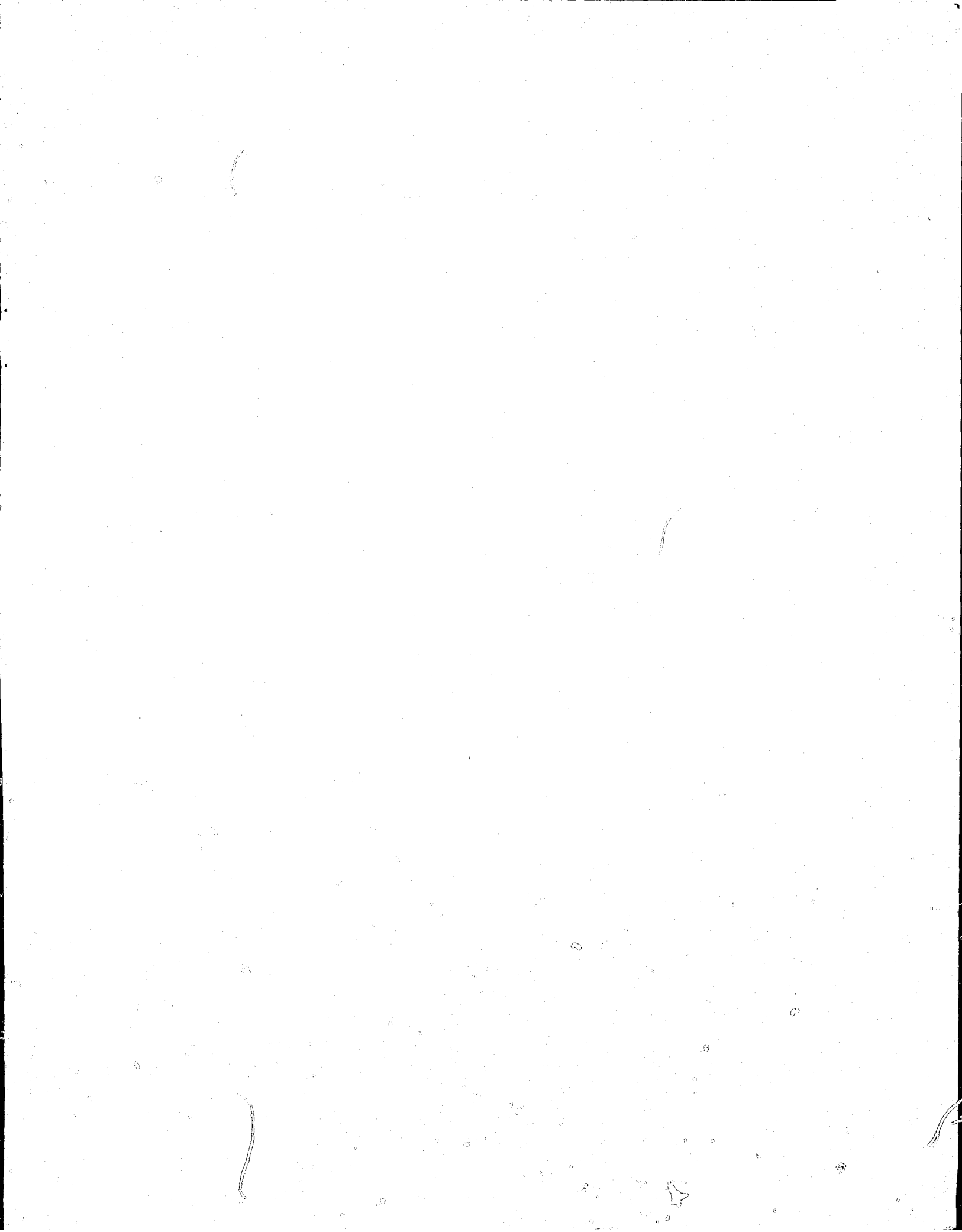
Standards

- 13.1 Develop equitable criteria for zoning, licensing and tax assessment.
- 13.2 Formulate specific criteria for government decisionmaking.
- 13.3 Publicize zoning, licensing and tax assessment actions.

Chapter 14: Combating Official Corruption and Organized Crime

Standards

- 14.1 Set capability and integrity standards for local prosecutors.
- 14.2 Create a State office to attack corruption and organized crime.





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Recommendations

- 4.1 Divert drug addicts and alcoholics to treatment centers.
- 4.2 Allow telephoned petitions for search warrants.
- 4.3 Enact State legislation prohibiting private surveillance and authorizing court-supervised electronic surveillance.

Chapter 5: Planning and Organizing

Standards

- 5.1 Establish a police service that meets the needs of the community.
- 5.2 Consolidate police agencies for greater effectiveness and efficiency.
- 5.3 Implement administrative and operational planning methods.
- 5.4 Assign responsibility for agency and jurisdictional planning.
- 5.5 Participate in any community planning that can affect crime.
- 5.6 Assign responsibility for fiscal management of the agency.
- 5.7 Develop fiscal management procedures.
- 5.8 Derive maximum benefit from government funding.

Recommendations

- 5.1 Formalize relationships between public and private police agencies.
- 5.2 Form a National Institute of Law Enforcement and a Criminal Justice Advisory Committee.
- 5.3 Develop standardized measures of agency performance.

Chapter 6: Team Policing

Standards

- 6.1 Determine the applicability of team policing.
- 6.2 Plan, train for and publicize implementation of team policing.

Chapter 7: Unusual Occurrences

Standards

- 7.1 Plan for coordinating activities of relevant agencies during mass disorders and natural disasters.
- 7.2 Delegate to the police chief executive responsibility for resources in unusual occurrences.
- 7.3 Develop an interim control system for use during unusual occurrences.

- 7.4 Develop a procedure for mass processing of arrestees.
- 7.5 Legislate an efficient, constitutionally sound crisis procedure.
- 7.6 Implement training programs for unusual occurrence control procedures.

Chapter 8: Patrol

Standards

- 8.1 Define the role of patrol officers.
- 8.2 Upgrade the status and salary of patrol officers.
- 8.3 Develop a responsive patrol deployment system.

Chapter 9: Operations Specialization

Standards

- 9.1 Authorize only essential assignment specialization.
- 9.2 Specify selection criteria for specialist personnel.
- 9.3 Review agency specializations annually.
- 9.4 Provide State specialists to local agencies.
- 9.5 Formulate policies governing delinquents and youth offenders.
- 9.6 Control traffic violations through preventive patrol and enforcement.
- 9.7 Train patrol officers to conduct preliminary investigations.
- 9.8 Create a mobile unit for special crime problems.
- 9.9 Establish policy and capability for vice operations.
- 9.10 Develop agency narcotics and drugs investigative capability.
- 9.11 Develop a statewide intelligence network that has privacy safeguards.

Chapter 10: Manpower Alternatives

Standards

- 10.1 Employ civilian personnel in supportive positions.
- 10.2 Employ reserve officers.

Chapter 11: Professional Assistance

Standards

- 11.1 Establish working relationships with outside professionals.

- 11.2 Acquire legal assistance when necessary.
- 11.3 Create a State police management consultation service.

Chapter 12: Support Services

Standards

- 12.1 Train technicians to gather physical evidence.
- 12.2 Consolidate criminal laboratories to serve local, regional and State needs.
- 12.3 Establish a secure and efficient filing system for evidential items.
- 12.4 Guarantee adequate jail services and management.

Recommendation

- 12.1 Establish crime laboratory certification standards.

Chapter 13: Recruitment and Selection

Standards

- 13.1 Actively recruit applicants.
- 13.2 Recruit college-educated personnel.
- 13.3 Insure nondiscriminatory recruitment practices.
- 13.4 Implement minimum police officer selection standards.
- 13.5 Formalize a nondiscriminatory applicant screening process.
- 13.6 Encourage the employment of women.

Recommendations

- 13.1 Develop job-related applicant tests.
- 13.2 Develop an applicant scoring system.

Chapter 14: Classification and Pay

Standards

- 14.1 Maintain salaries competitive with private business.
- 14.2 Establish a merit-based position classification system.

Chapter 15: Education

Standards

- 15.1 Upgrade entry-level educational requirements.

- 15.2 Implement police officer educational incentives.
- 15.3 Affiliate training programs with academic institutions.

Recommendation

- 15.1 Outline police curriculum requirements.

Chapter 16: Training

Standards

- 16.1 Establish State minimum training standards.
- 16.2 Develop effective training programs.
- 16.3 Provide training prior to work assignment.
- 16.4 Provide interpersonal communications training.
- 16.5 Establish routine in-service training programs.
- 16.6 Develop training quality control measures.
- 16.7 Develop police training academies and criminal justice training centers.

Chapter 17: Development, Promotion and Advancement

Standards

- 17.1 Offer self-development programs for qualified personnel.
- 17.2 Implement formal personnel development programs.
- 17.3 Review personnel periodically for advancements.
- 17.4 Authorize police chief executive control of promotions.
- 17.5 Establish a personnel information system.

Chapter 18: Employee Relations

Standards

- 18.1 Maintain effective employee regulations.
- 18.2 Formalize policies regulating police employee organizations.
- 18.3 Allow a collective negotiation process.
- 18.4 Prohibit work stoppages by policemen.

Chapter 19: Internal Discipline

Standards

- 19.1 Formulate internal discipline procedures.
- 19.2 Implement misconduct complaint procedures.

- 19.3 Create a specialized internal discipline investigative unit.
- 19.4 Insure swift and fair investigation of misconduct.
- 19.5 Authorize police chief executive adjudication of complaints.
- 19.6 Implement positive programs to prevent misconduct.

Recommendation

- 19.1 Study methods of reducing police corruption.

Chapter 20: Health Care, Physical Fitness, Retirement and Employee Services

Standards

- 20.1 Require physical and psychological examinations of applicants.
- 20.2 Establish continuing physical fitness standards.
- 20.3 Establish an employee services unit.
- 20.4 Offer a complete health insurance program.
- 20.5 Provide a statewide police retirement system.

Recommendation

- 20.1 Compensate duty-connected injury, death and disease.

Chapter 21: Personal Equipment

Standards

- 21.1 Specify apparel and equipment standards.
- 21.2 Require standard firearms, ammunition and auxiliary equipment.
- 21.3 Provide all uniforms and equipment.

Chapter 22: Transportation

Standards

- 22.1 Evaluate transportation equipment annually.
- 22.2 Acquire and maintain necessary transportation equipment.
- 22.3 Conduct a fleet safety program.

Recommendation

- 22.1 Test transportation equipment nationally.

Chapter 23: Communications

Standards

- 23.1 Develop a rapid and accurate telephone system.
- 23.2 Insure rapid and accurate police communication.
- 23.3 Insure an efficient radio communications system.

Recommendations

- 23.1 Conduct research on a digital communications system.
- 23.2 Set national communications equipment standards.
- 23.3 Evaluate radio frequency requirements.

Chapter 24: Information Systems

Standards

- 24.1 Standardize reports of criminal activity.
- 24.2 Establish an accurate, rapid-access record system.
- 24.3 Standardize local information systems.
- 24.4 Coordinate Federal, State and local information systems.

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Chapter 1: Screening

Standards

- 1.1 Screen certain accused persons out of the criminal justice system.
- 1.2 Formulate written guidelines for screening decisions.

Chapter 2: Diversion

Standards

- 2.1 Utilize, as appropriate, diversion into non-criminal justice programs before trial.
- 2.2 Develop guidelines for diversion decisions.

Chapter 3: The Negotiated Plea

Standards

- 3.1 Prohibit plea negotiation in all courts by not later than 1978.
- 3.2 Document in the court records the basis for a negotiated guilty plea and the reason for its acceptance.
- 3.3 Formulate written policies governing plea negotiations.
- 3.4 Establish a time limit after which plea negotiations may no longer be conducted.
- 3.5 Provide service of counsel before plea negotiations.
- 3.6 Assure proper conduct by prosecutors in obtaining guilty pleas.
- 3.7 Review all guilty pleas and negotiations.
- 3.8 Assure that a plea of guilty is not considered when determining sentence.

Chapter 4: The Litigated Case

Standards

- 4.1 Assure that the period from arrest to trial does not exceed 60 days in felonies and 30 days in misdemeanors.
- 4.2 Maximize use of citations or summons in lieu of arrest.
- 4.3 Eliminate preliminary hearings in misdemeanor proceedings.
- 4.4 Adopt policies governing use and function of grand juries.

- 4.5 Present arrested persons before a judicial officer within six hours after arrest.
- 4.6 Eliminate private bail bond agencies; utilize a wide range of pretrial release programs, including release on recognizance.
- 4.7 Adopt provisions to apprehend rapidly and deal severely with persons who violate release conditions.
- 4.8 Hold preliminary hearings within two weeks after arrest; eliminate formal arraignment.
- 4.9 Broaden pretrial discovery by both prosecution and defense.
- 4.10 File all motions within 15 days after preliminary hearing or indictment; hear motions within five days.
- 4.11 Establish criteria for assigning cases to the trial docket.
- 4.12 Limit granting of continuances.
- 4.13 Assure that only judges examine jurors; limit the number of peremptory challenges.
- 4.14 Adopt policies limiting number of jurors to fewer than twelve but more than six in all but the most serious cases.
- 4.15 Restrict evidence, testimony and argument to that which is relevant to the issue of innocence or guilt; utilize full trial days.

Recommendations

- 4.1 Study the exclusionary rule and formulate alternatives.
- 4.2 Study the use of videotaped trials in criminal cases; establish pilot projects.

Chapter 5: Sentencing

Standard

- 5.1 Adopt a policy stipulating that all sentencing is performed by the trial judge.

Chapter 6: Review of the Trial Court Proceedings

Standards

- 6.1 Provide the opportunity to every convicted person for one full and fair review.
- 6.2 Provide a full-time professional staff of lawyers in the reviewing court.
- 6.3 Assure that review procedures are flexible and tailored to each case.
- 6.4 Establish time limits for review proceedings.

- 6.5 Specify exceptional circumstances that warrant additional review.
- 6.6 Assure that reviewing courts do not readjudicate claims already adjudicated on the merits by a court of competent jurisdiction.
- 6.7 Assure that determinations of fact by either a trial or reviewing court are conclusive absent a constitutional violation undermining the factfinding process.
- 6.8 Assure that claims are not adjudicated in further reviews which were not asserted at trial or which were disclaimed at trial by the defendant.
- 6.9 Assure that a reviewing court always states the reasons for its decision; limit publication to significant cases.

Recommendations

- 6.1 Develop means of producing trial transcripts speedily.
- 6.2 Study causes of delay in review proceedings.
- 6.3 Study reports and recommendations of the Advisory Council for Appellate Justice.

Chapter 7: The Judiciary

Standards

- 7.1 Select judges on the basis of merit qualifications.
- 7.2 Establish mandatory retirement for all judges at age 65.
- 7.3 Base salaries and benefits of State judges on the Federal model.
- 7.4 Subject judges to discipline or removal for cause by a judicial conduct commission.
- 7.5 Create and maintain a comprehensive program of continuing judicial education.

Chapter 8: The Lower Courts

Standards

- 8.1 Assure that State courts are unified courts of record, financed by the State, administered on a statewide basis, and presided over by full-time judges admitted to the practice of law.
- 8.2 Dispose administratively of all traffic cases except certain serious offenses.

Chapter 9: Court Administration

Standards

- 9.1 Establish policies for the administration of the State's courts.
- 9.2 Vest in a presiding judge ultimate local administrative judicial authority in each trial jurisdiction.
- 9.3 Assure that local and regional trial courts have a full-time court administrator.
- 9.4 Assure that ultimate responsibility for the management and flow of cases rests with the judges of the trial court.
- 9.5 Establish coordinating councils to survey court administration practices in the State.
- 9.6 Establish a forum for interchange between court personnel and the community.

Chapter 10: Court-Community Relations

Standards

- 10.1 Provide adequate physical facilities for court processing of criminal defendants.
- 10.2 Provide information concerning court processes to the public and to participants in the criminal justice system.
- 10.3 Coordinate responsibility among the court, news media, the public and the bar for providing information to the public about the courts.
- 10.4 Assure that court personnel are representative of the community served by the court.
- 10.5 Assure that judges and court personnel participate in criminal justice planning activities.
- 10.6 Call witnesses only when necessary; make use of telephone alert.
- 10.7 Assure that witness compensation is realistic and equitable.

Chapter 11: Computers and the Courts

Standards

- 11.1 Utilize computer services consistent with the needs and caseloads of the courts.
- 11.2 Employ automated legal research services on an experimental basis.

Recommendation

- 11.1 Instruct law students in use of automated legal research systems.

Chapter 12: The Prosecution

Standards

- 12.1 Assure that prosecutors are full-time skilled professionals, authorized to serve a minimum term of four years, and compensated adequately.
- 12.2 Select and retain assistant prosecutors on the basis of legal ability; assure that they serve full time and are compensated adequately.
- 12.3 Provide prosecutors with supporting staff and facilities comparable to that of similar size private law firms.
- 12.4 Establish a State-level entity to provide support to local prosecutors.
- 12.5 Utilize education programs to assure the highest professional competence.
- 12.6 Establish file control and statistical systems in prosecutors' offices.
- 12.7 Assure that each prosecutor develops written office policies and practices.
- 12.8 Assure that prosecutors have an active role in crime investigation, with adequate investigative staff and subpoena powers.
- 12.9 Assure that prosecutors maintain relationships with other criminal justice agencies.

Chapter 13: The Defense

Standards

- 13.1 Make available public representation to eligible defendants at all stages in all criminal proceedings.
- 13.2 Assure that any individual provided public representation pay any portion of the cost he can assume without undue hardship.
- 13.3 Enable all applicants for defender services to apply directly to the public defender or appointing authority for representation.
- 13.4 Make counsel available to corrections inmates, indigent parolees and indigent probationers on matters relevant to their status.
- 13.5 Establish a full-time public defender organization and assigned counsel system involving the private bar in every jurisdiction.

- 13.6 Assure that defender services are consistent with local needs and financed by the State.
- 13.7 Assure that public defenders are full time and adequately compensated.
- 13.8 Assure that public defenders are nominated by a selection board and appointed by the Governor.
- 13.9 Keep free from political pressures the duties of public defenders.
- 13.10 Base upon merit, hiring, retention and promotion policies for public defender staff attorneys.
- 13.11 Assure that salaries for public defender staff attorneys are comparable to those of associate attorneys in local private law firms.
- 13.12 Assure that the caseload of a public defender office is not excessive.
- 13.13 Assure that the public defender is sensitive to the problems of his client community.
- 13.14 Provide public defender offices with adequate supportive services and personnel.
- 13.15 Vest responsibility in the public defender for maintaining a panel of private attorneys for defense work.
- 13.16 Provide systematic and comprehensive training to public defenders and assigned counsel.

Chapter 14: Juvenile Courts

Standards

- 14.1 Place jurisdiction over juveniles in a family court, which should be a division of the general trial court.
- 14.2 Place responsibility in an intake unit of the family court for decisions concerning filing of petitions and placement in detention or diversion programs.
- 14.3 Place authority in the family court to transfer certain delinquency cases to the trial court of general jurisdiction.
- 14.4 Separate adjudicatory hearings from dispositional hearings; assure that hearings have all the protections of adult criminal trials.
- 14.5 Assure that dispositional hearing proceedings are similar to those followed in sentencing adult offenders.

Chapter 15: Mass Disorders

Standards

- 15.1 Assure that every plan for the administration of justice in a mass disorder contains a court processing section.

- 15.2 Assure that the court plan is concerned with both judicial policy and court management.
- 15.3 Assure that a prosecutorial plan is developed by the local prosecutor(s).
- 15.4 Assure that the plan for providing defense services during a mass disorder is developed by the local public defender(s).

CORRECTIONS

Chapter 2: Rights of Offenders

Standards

- 2.1 Guarantee offenders' access to courts.
- 2.2 Guarantee offenders' access to legal assistance.
- 2.3 Guarantee offenders' access to legal materials.
- 2.4 Protect offenders from personal abuse.
- 2.5 Guarantee healthful surroundings for inmates.
- 2.6 Guarantee adequate medical care for inmates.
- 2.7 Regulate institutional search and seizure.
- 2.8 Assure nondiscriminatory treatment of offenders.
- 2.9 Guarantee rehabilitation programs for offenders.
- 2.10 Legislate safeguards for retention and restoration of rights.
- 2.11 Establish rules of inmate conduct.
- 2.12 Establish uniform disciplinary procedures.
- 2.13 Adopt procedures for change of inmate status.
- 2.14 Establish offenders' grievance procedures.
- 2.15 Guarantee free expression and association to offenders.
- 2.16 Guarantee offenders' freedom of religious beliefs and practices.
- 2.17 Guarantee offenders' communication with the public.
- 2.18 Establish redress procedures for violations of offenders' rights.

Chapter 3: Diversion from the Criminal Justice System

Standard

- 3.1 Implement formal diversion programs.

Chapter 4: Pretrial Release and Detention

Standards

- 4.1 Develop a comprehensive pretrial process improvement plan.
- 4.2 Engage in comprehensive planning before building detention facilities.
- 4.3 Formulate procedures for use of summons, citation and arrest warrants.
- 4.4 Develop alternatives to pretrial detention.
- 4.5 Develop procedures for pretrial release and detention.

- 4.6 Legislate authority over pretrial detainees.
- 4.7 Develop pretrial procedures governing allegedly incompetent defendants.
- 4.8 Protect the rights of pretrial detainees.
- 4.9 Establish rehabilitation programs for pretrial detainees.
- 4.10 Develop procedures to expedite trials.

Chapter 5: Sentencing

Standards

- 5.1 Establish judicial sentencing of defendants.
- 5.2 Establish sentencing practices for nondangerous offenders.
- 5.3 Establish sentencing practices for serious offenders.
- 5.4 Establish sentencing procedures governing probation.
- 5.5 Establish criteria for fines.
- 5.6 Adopt policies governing multiple sentences.
- 5.7 Disallow mitigation of sentence based on guilty plea.
- 5.8 Allow credit against sentence for time served.
- 5.9 Authorize continuing court jurisdiction over sentenced offenders.
- 5.10 Require judicial visits to correctional facilities.
- 5.11 Conduct sentencing councils, institutes and reviews.
- 5.12 Conduct statewide sentencing institutes.
- 5.13 Create sentencing councils for judges.
- 5.14 Require content-specified presentence reports.
- 5.15 Restrict preadjudication disclosure of presentence reports.
- 5.16 Disclose presentence reports to defense and prosecution.
- 5.17 Guarantee defendants' rights at sentencing hearings.
- 5.18 Develop procedural guidelines for sentencing hearings.
- 5.19 Impose sentence according to sentencing hearing evidence.

Chapter 6: Classification of Offenders

Standards

- 6.1 Develop a comprehensive classification system.
- 6.2 Establish classification policies for correctional institutions.
- 6.3 Establish community classification teams.

Chapter 7: Corrections and the Community

Standards

- 7.1 Develop a range of community-based alternatives to institutionalization.

- 7.2 Insure correctional cooperation with community agencies.
- 7.3 Seek public involvement in corrections.
- 7.4 Establish procedures for gradual release of inmates.

Chapter 8: Juvenile Intake and Detention

Standards

- 8.1 Authorize police to divert juveniles.
- 8.2 Establish a juvenile court intake unit.
- 8.3 Apply total system planning concepts to juvenile detention centers.
- 8.4 Evaluate juvenile intake and detention personnel policies.

Chapter 9: Local Adult Institutions

Standards

- 9.1 Undertake total system planning for community corrections.
- 9.2 Incorporate local correctional functions within the State system.
- 9.3 Formulate State standards for local facilities.
- 9.4 Establish pretrial intake services.
- 9.5 Upgrade pretrial admission services and processes.
- 9.6 Upgrade the qualifications of local correctional personnel.
- 9.7 Protect the health and welfare of adults in community facilities.
- 9.8 Provide programs for adults in jails.
- 9.9 Develop release programs for convicted adults.
- 9.10 Evaluate the physical environment of jails.

Chapter 10: Probation

Standards

- 10.1 Place probation under executive branch jurisdiction.
- 10.2 Establish a probation service delivery system.
- 10.3 Provide misdemeanor probation services.
- 10.4 Develop a State probation manpower unit.
- 10.5 Establish release on recognizance procedures and staff.

Chapter 11: Major Institutions

Standards

- 11.1 Seek alternatives to new State institutions.

- 11.2 Modify State institutions to serve inmate needs.
- 11.3 Modify the social environment of institutions.
- 11.4 Individualize institutional programs.
- 11.5 Devise programs for special offender types.
- 11.6 Provide constructive programs for women offenders.
- 11.7 Develop a full range of institutional religious programs.
- 11.8 Provide recreation programs for inmates.
- 11.9 Offer individual and group counseling for inmates.
- 11.10 Operate labor and industrial programs that aid in reentry.

Chapter 12: Parole

Standards

- 12.1 Establish independent State parole boards.
- 12.2 Specify qualifications of parole board members.
- 12.3 Specify procedure and requirements for granting parole.
- 12.4 Specify parole revocation procedures and alternatives.
- 12.5 Coordinate institutional and field services and functions.
- 12.6 Develop community services for parolees.
- 12.7 Individualize parole conditions.
- 12.8 Develop parole manpower and training programs.

Chapter 13: Organization and Administration

Standards

- 13.1 Professional correctional management.
- 13.2 Develop a correctional planning process.
- 13.3 Train management in offender and employee relations.
- 13.4 Prohibit but prepare for work stoppages and job actions.

Chapter 14: Manpower for Corrections

Standards

- 14.1 Discontinue unwarranted personnel restrictions.
- 14.2 Recruit and employ minority group individuals.
- 14.3 Recruit and employ women.
- 14.4 Recruit and employ ex-offenders.
- 14.5 Recruit and use volunteers.
- 14.6 Revise personnel practices to retain staff.
- 14.7 Adopt a participatory management program.
- 14.8 Plan for manpower redistribution to community programs.
- 14.9 Establish a State program for justice system education.
- 14.10 Implement correctional internship and work-study programs.
- 14.11 Create staff development programs.

Chapter 15: Research and Development, Information, and Statistics

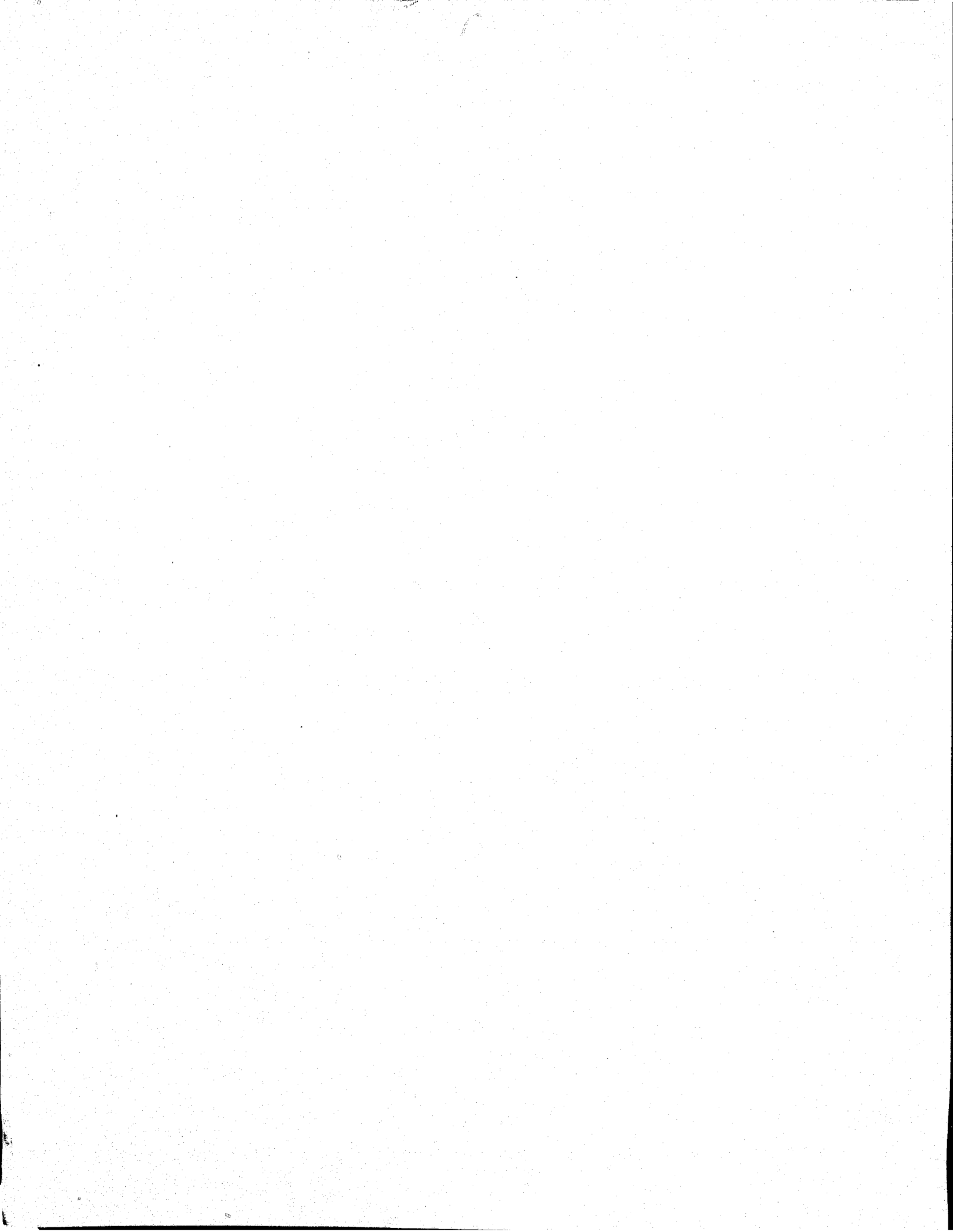
Standards

- 15.1 Maintain a State correctional information system.
- 15.2 Provide staff for systems analysis and statistical research.
- 15.3 Design an information system to supply service needs.
- 15.4 Develop a data base with criminal justice system interface.
- 15.5 Measure recidivism and program performance.

Chapter 16: The Statutory Framework of Corrections

Standards

- 16.1 Enact a correctional code.
- 16.2 Enact regulation of administrative procedures.
- 16.3 Legislate definition and implementation of offender rights.
- 16.4 Legislate the unification of corrections.
- 16.5 Define personnel standards by law.
- 16.6 Ratify interstate correctional agreements.
- 16.7 Define crime categories and maximum sentences.
- 16.8 Legislate criteria for court sentencing alternatives.
- 16.9 Restrict court delinquency jurisdiction and detention.
- 16.10 Require presentence investigations by law.
- 16.11 Formulate criteria and procedures for probation decisions.
- 16.12 Legislate commitment, classification and transfer procedures.
- 16.13 Lift unreasonable restrictions on prison labor and industry.
- 16.14 Legislate authorization for community-based correctional programs.
- 16.15 Clarify parole procedures and eligibility requirements.
- 16.16 Establish pardon power and procedure.
- 16.17 Repeal laws restricting offender rights.



END